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ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,
• PASSED AT THE ANNUAL SESSION OF 1847:
WITH AN
APPENDIX,
CONTAINING THE
TREASURER'S ANNUAL REPORT, &C.
~~~~~  
BY AUTHORITY.  
~~~~~

~~~~~  
**DETROIT:**  
**BAGG & HARMON, PRINTERS TO THE STATE.**  
~~~~~  
1847.

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LAWS OF MICHIGAN.

LAWS OF MICHIGAN.

[No. 1.]

AN ACT To provide for the payment of Members and Officers of the Legislature.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the compensation of members of the Senate and of the House of Representatives, shall be three dollars a day each, and that of the Speaker of the House, including his per diem allowance, six dollars for each day's attendance, not exceeding sixty days at any one session; and their mileage shall be computed at the rate of three dollars for every twenty miles to and from the capitol, by the most usually travelled route.

To provide for the payment of members & officers of the legislature.

Sec. 2. The secretary of the Senate, and clerks and sergeant-at-arms of either house, shall be allowed three dollars a day; the firemen of either house, one dollar and fifty cents each per day; and the messengers one dollar a day each during the session of the Legislature, or of the house to which they respectively belong.

Sec. 3. Such sums as may be due to the President or President *pro tempore* of the Senate, shall be certified to by the secretary of the Senate, and to the Speaker of the House, by the clerk thereof; and such sums as may be due to the several members and other officers of either house, under the preceding sections shall be certified to by the presiding officer of the respective houses: *Provided*, That the President *pro tempore* of the Senate shall receive compensation only from the time elected as such.

Sec. 4. Upon presentation of any such certificate at the state

LAWS OF MICHIGAN.

treasury, countersigned by the auditor general, the state treasurer is hereby authorized and directed to pay the same out of any moneys in the treasury, to the credit of the general fund, not otherwise appropriated.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved January 15, 1847.

[No. 2.]

AN ACT to give immediate force to Section 37 of Chapter 164 of the Revised Statutes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section 37 of chapter 164 of the Revised Statutes, passed and approved May 18, 1846, take effect and be in full force from and after the passage of this act.

SEC. 2. This act to be in force from and after its passage.

Approved January 19, 1847.

[No. 3.]

AN ACT to authorize the assessment and collection of certain taxes in the township of Woodhull, in the county of Shiawassee.

Duty of supervisors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That the supervisor of the township of Woodhull, in the county of Shiawassee be, and he is hereby authorized to make a valuation and assessment roll of all the real and personal taxable property in said township, in the manner prescribed by law, between the time of the passage of this act and the fifteenth day of February next, and to review and correct said roll, giving five days notice of the time and place of such review.

Supervisor to certify roll, &c.

SEC. 2. Upon such roll being reviewed and corrected by said supervisor, it shall be his duty to attach a certificate thereto, in the form prescribed by law, and to notify the township treasurer of the amount of state and county taxes apportioned to his township by

the board of supervisors, for the year eighteen hundred and forty-six, and upon the delivery to said supervisor by said township treasurer, of the receipt of the county treasurer, stating that he has received a satisfactory bond from such township treasurer in that behalf, said supervisor shall deliver to said township treasurer a copy of the said corrected assessment roll, with the taxes for the year eighteen hundred and forty-six, except the highway taxes, annexed to each valuation, and carried out in such columns as is required by law in regard to other assessment rolls.

Sec. 3. To such tax roll the supervisor shall annex a warrant under his hand, for the collection of such taxes, in the form prescribed by law, except that such warrant shall require the said township treasurer to account for and pay over said taxes, on or before the first day of April next, and the said treasurer shall proceed under such warrant in the same manner, and possess the same powers, as under a warrant for the collection of the annual taxes provided for by law, and shall make return to the county treasurer of all unpaid taxes upon his said roll, in the same manner and with the like effect.

Warrant for collection of taxes.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and with the same effect, and such unpaid taxes so returned shall be collected in the same manner, and with interest computed from the same time as the annual taxes for the year eighteen hundred and forty-six, duly returned to the auditor general for non-payment.

Unpaid taxes how returned.

Sec. 5. All the provisions of existing laws, relating to the assessment, collection and return of taxes, shall, so far as the same may be applicable, apply to, and govern the assessment, collection and return of the taxes in this act provided for, except so far as other provisions are herein made.

Existing provisions of law applicable.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved January 28, 1847.

[No. 4.]

AN ACT authorizing any persons to construct Lines of Electric Telegraph in the State of Michigan.

Who may
construct
line.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any person or persons may be, and they are hereby authorized to construct and maintain lines of electric telegraph, together with all necessary fixtures appurtenant thereto from point to point, upon and along any of the public roads or highways, and across any of the waters or bridges within the limits of this state, or upon the land of any individual, the owners of the land through which said telegraphic lines may pass having first given their consent: *Provided*, That the same shall not in any instance be so constructed as to incommode the public in the use of said roads, or highways and bridges, or endanger, or injuriously interrupt the navigation of said waters.

What intel-
ligence shall
have prece-
dence.

SEC. 2. At every telegraphic office, established for the purpose of communicating intelligence on any of the lines constructed by virtue of the provisions contained in the foregoing section, communications received for the transmission of intelligence upon any of said lines shall have precedence in the order in which they are received, and be communicated accordingly; and any violation of the provisions of this section by any officer, person or persons having charge of, or employed in, conducting or transacting the business of said office, shall be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both, at the discretion of the court having cognizance of the same.

Annual tax.

SEC. 3. The owner or owners of any telegraphic line, constructed under the provisions of this act, shall pay to the state an annual tax of twenty-five cents upon every mile in length so constructed, in lieu of all other taxes, which shall be paid in the last week in January in each year to the state treasury.

Lien of the
state.

SEC. 4. The state shall have a lien upon any line constructed as aforesaid, and its appurtenances, for all taxes which may accrue thereon to the state, by virtue of the provisions of the foregoing section; and in case the tax, or any part thereof, shall remain unpaid at the time hereinbefore provided for its payment, then the state treasurer shall have power, and it is hereby made his duty to ad-

vertise such line for sale for the amount of such tax remaining unpaid, in some newspaper published in the city of Detroit, by giving three weeks' previous notice, and to sell the same accordingly for the amount of tax, and interest and charges of sale: *Provided*, The same shall not be paid before the time of sale; and the surplus money, if any, shall be paid to the owner or owners of such line.

Sec. 5. Any person or persons who shall knowingly or wilfully injure, molest or destroy any of said lines or appurtenances belonging thereto, and any person who shall counsel or advise the injury, molestation or destruction of any of said lines or appurtenances thereto belonging, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, at the discretion of the court having cognizance thereof. Penalty for wilful injury to.

Sec. 6. The legislature may at any time alter, modify or repeal this act, and the same shall take effect and be in force from and after its passage.

Approved January 28, 1847.

[No. 5.]

AN ACT to incorporate the Port Huron and Lake Michigan Rail Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Wells, Alvin N. Hart Charles C. Hascall, Alfred L. Williams, Jesse F. Turner, Ira Porter, Edmund B. Bostwick and Thomas W. White, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Port Huron and Lake Michigan Rail Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions, in some newspaper printed at Detroit, and at the seat of gov. Com'rs to cause books to be open'd

ernment of this state, and in all papers published in the counties through which the contemplated line of said road passes.

Capital stock SEC. 2. The capital stock of said company shall be two millions of dollars, in twenty thousand shares of one hundred dollars each; and as soon as one thousand shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created a body corporate and politic, by the name and style of the Port Huron and Lake Michigan Rail Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, or personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned and no further; and in their corporate name may sue and be sued; may have a common seal which they may alter and renew at pleasure, and shall have, enjoy, and may exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes mentioned in this act.

May construct rail road: SEC. 3. Said company hereby created, shall have power to construct a rail road with a double or single track, from Port Huron, in the county of St. Clair, running westerly, until it shall intersect Lake Michigan, at or near the mouth of Grand River, with power to take, transport and carry property and persons upon the said rail road, or any part thereof herein authorized to be constructed, by the power and force of steam, or of animals, or of any mechanical or other power, or of any combination of them, which the said company may choose to use or apply.

Construct'n, when to be commenced SEC. 4. If said corporation shall not, within five years after the passage of this act, commence the construction of the said rail road, and shall not, within fifteen years from the passage of this act, construct, finish and put in operation the whole of said rail road, then the rights, privileges and powers of the said corporation shall be null and void as far as it regards such part of said rail road as shall not be finished within the periods limited by this act.

First meeting. SEC. 5. Whenever one thousand shares of the capital stock shall have been subscribed, if within three years from the passage of this act, the commissioners shall call a meeting of the subscribers at

such time and place as they may appoint, by giving thirty days' public notice of such meeting, and shall lay the books of subscription before the subscribers then present, and thereupon the said stockholders, or a majority of them, shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company, and all of whom shall be stockholders in said company; and said directors are empowered to elect one of their number president; and on all occasions, when a vote of the stockholders is to be taken, each and every share shall entitle the holders thereof to one vote, either by himself in person or by proxy.

SEC. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually on the first ^{President & directors, how chosen.} Monday in October, at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year, may be filled by the directors of said company, or a majority of them. The president and directors of said company shall hold their office until a new election of president and directors. All elections which are by this act, or by the by-laws of the company, to be made on any particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section.

SEC. 7. A general meeting of the stockholders of said company shall be held annually, at the time and place appointed for the elec- ^{Annual meeting.} tion of president and directors; and a meeting may be called at any time during the interval between the said annual meetings, by the president and directors, or by the stockholders owning not less than one-fourth of the whole stock subscribed, by giving thirty days' public notice of the time and place of meeting; and when any such meeting is called by the stockholders the particular object of such call shall be stated; and if, at any meeting thus called, stockholders owning a majority of stock subscribed are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days without transacting any business; and if, within said three days, stockholders having a majority of such stock do not attend such meeting, in person or by proxy, then the said meeting shall be dissolved.

Statement
to be exhib-
ited.

SEC. 8. At each annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, those holding a majority of the stock subscribed, may remove from office any president, or any of the directors of said company, and elect others in their stead: *Provided*, Notice of such intended removal has been given as hereinbefore provided.

Officers, how
appointed,

SEC. 9. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; and the said president and directors, or a majority of them, shall have power to determine the manner and evidence of the transfers of the stock in said company; and they shall have power to pass all the by-laws which may be necessary for carrying into execution all the powers vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States, nor of this state: *And provided further*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, dealing in produce or any other business, except what properly belongs to a rail road and transportation company, as hereinafter provided.

Road may
be establish-
ed.

SEC. 10. For the purpose of constructing said rail road or way, said company shall have authority and power to lay out, designate and establish their road in width not exceeding one hundred feet through the entire line thereof, and may take, have and appropriate to their use all such lands so designated for the line or construction of said road; and for the purpose of cuttings and embankments, and for the obtaining of stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction and security of said road, and for constructing shops, depots and other proper, suitable and convenient fixtures, in con-

nection with, and as appurtenances to said rail road, may take, have, use and occupy any lands on either side of said rail road, not exceeding two hundred feet in width from said rail road, the said company taking all such lands as gifts, or purchasing or making satisfaction for same in manner hereinafter provided.

SEC. 11. The said company, and under their direction, their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of, or belonging to the state, or to any person or persons, bodies politic or corporate and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said rail road with one or more sets of tracks or rails, and for all the purposes connected with said rail road, for which the said company, by the last preceding section, is authorized to take, have or appropriate any lands, and to fell and cut down all timber and other trees, standing or being within one hundred feet on each side of said line of rail road, the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said company; and also to make, build, erect and set up in and upon the route of said rail road or upon the land adjoining or near the same, all such works, ways, roads and conveniences, as may be requisite and convenient for the purposes of said rail road; and also from time to time, to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying or conveying goods, commodities, timber or other things to and upon said rail road, as for carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of, or connected with said rail road, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road or any of its works or appurtenances; and also, to make, repair, maintain and alter any fences or passages under or through the said rail road, or which shall communicate therewith, and to construct, erect and keep in repair any piers, arches or other works in and up-

For what purposes may enter upon land of others.

May occupy
the line of
the N. rail
road.

pon and across any rivers or brooks, for making, using or maintaining the said rail road and side paths, and also to construct, make and do all other matters and things which may be necessary and convenient for making, effecting and preserving, improving, completing and using the said rail road, in pursuance of, and within the true intent and meaning of this act, they, the said company, doing as little damage as possible in the execution of the several powers to them hereby granted, and first making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments, before appropriating the same to the construction of said road; and it shall be lawful for the company to enter upon, and take possession of, and appropriate to their own use in the construction of the said road, any portion of the so called line of the northern rail road which by acts of the legislature, approved April 2nd, 1841, and March 9th, 1843. respectively, was converted into the northern wagon road; and the state hereby releases to said company, all her rights, privileges and immunities to such portion of the line of said road as the company may deem proper to use in constructing the aforesaid rail road.

May receive
voluntary
grants, &c.

SEC. 12. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate for the purposes of said rail road, as may or shall be made to said company, to aid in the construction, maintainance and accommodation of said rail road, and said company may contract and agree with the owners or occupiers of any lands upon which the said company may wish to construct the said rail road or way, or which said company may wish to use or occupy for the purpose of excavation, or of procuring stone, sand, gravel, earth or other materials, to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said rail road, or which the company may wish to use or occupy in any manner, or for any purpose or purposes connected with said rail road, for which the said company is authorized or empowered by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any or all such lands, and of any or all interests or estates therein, to them and their assigns, in fee or otherwise, and in case

said company cannot agree with the owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owner, or occupier thereof; or if the owners or occupiers, or either or any of them, be a feme covert, under age, non compos mentis, unknown or out of the county in which the land or property wanted may lie or be situate, application may be made to the circuit court commissioner, county judge, or judge of probate of such county in which the lands are situate, or a judge of the supreme court, for an assessment and inquisition as hereinafter provided.

SEC. 13. Previous notice of such application shall be given to the owner or occupier of the land to be taken, either by personal service of such notice three days before making such application, or by public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there be one, and if there be none so printed in the same county, then such notice to be published in a newspaper printed in an adjoining county, if there be any newspaper printed in an adjoining county, and if there be no paper so printed in an adjoining county, such notice to be published in the state paper if there be one, and if there be none, then in some newspaper printed in the city of Detroit; such notice shall describe the land proposed to be taken by the company, or touching which damages are to be assessed, by the section and quarter section, or if in a city or village, by the section, block and number of lot, or by some other suitable and proper description; and any irregularity or defect touching such notice, shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise; evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, or some disinterested person knowing the fact; such affidavit when made within three months after the last publication of such notice, shall be prima facie evidence of the facts therein set forth.

Notice of assessment given.

SEC. 14. The commissioner or judge to whom such application shall be made, shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve

How damages shall be assessed.

names from such box accordingly, and the said judge or circuit court commissioner, to whom such application was made, shall thereupon issue his warrant, under his hand and seal, inserting therein the twelve names so drawn by the clerk, and the twelve names so drawn from the petit jury box, shall be thereupon deposited again by the clerk in said box, and the warrant so issued as aforesaid shall be directed to the sheriff of said county, or if the sheriff be interested, then, to one of the coroners of said county, or in case the sheriff and coroners be jointly or severally interested, to some constable of said county, requiring him to summon the twelve persons whose names are inserted in such warrant, as jurors, to meet on or near the land or property, or materials to be valued, or touching which damages are to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same, and if, at the said time and place, any of the persons summoned do not attend, the said sheriff or coroner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or coroner for him, her or them, may strike off three jurors, and the remaining six shall set as a jury of inquest of damages, and before they act as such, the sheriff or coroner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owners or occupiers have sustained, or will sustain, by the use or occupation of the land, or the taking of the materials or other property, required by the said company, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition, shall be made and executed on the same day, one of which shall be delivered to the said company, and the other to the party claiming compensation; and the property taken, and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and a map thereof shall be set forth in such inquisition; and such inquisition shall be filed in, and shall also be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made, if no sufficient cause to the contrary be shown, and when confirmed, the same shall be recorded by the clerk of such court, at the expense

of said company, but if not confirmed, another inquisition may be taken in the manner above specified.

Sec. 15. And the money assessed as the valuation in any such inquisition, which shall have been confirmed, being paid or legally tendered to the party entitled to the same, the property so taken and valued shall immediately thereupon vest in such company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof, for such term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the jury which makes the inquisition, and make claim to such lands, or shall not appear to demand or accept the money assessed as the valuation in any such inquisition, then a deposit with the treasurer of this state, of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the same; and the state treasurer shall receive and keep account of all moneys so received into the state treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor or of a justice of the supreme court; and such inquisition, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company, in favor of the person to whom damages were awarded by such inquisition and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed by such inquisition in manner aforesaid; and if at any time it shall by any means happen that said company shall be in possession or occupancy of any land, the title to which, or the full right of use and occupancy whereof, for the purposes of said company in manner aforesaid, shall not have been duly relinquished to or vested in said company, then, in any and all such cases, said company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed; and the commissioner or judge issuing the warrant, and the sheriff, coroner or constable, and jurors to be summoned under this act, shall be

Damages, to whom paid.

entitled for the services rendered by them, to such compensation as may be fixed therefor by the chancellor or a justice of the supreme court, by an order for that purpose to be made by him, and which costs shall be paid by said company.

Cross estab-
lished roads

Sec. 16. Whenever in the construction of said rail road it shall be necessary to cross or intersect any established road, it shall be the duty of said company so to construct said rail road across such established road, as not unnecessarily to impede the passage of persons or property along the same; and when it shall be necessary to construct it through the lands of any individual, it shall be their duty to provide for such individual proper wagon ways, and keep the same in repair, across said rail road, from one part of his land to another.

Damages to
neglecting
to provide
proper wa-
gon ways.

Sec. 17. If said company shall neglect to provide proper wagon ways across said rail road, and keep the same in repair, as required by the preceding section of this act, it shall be lawful for any individual to sue said company, and to recover such damages as a court or jury may think him, her or them entitled to for such neglect or refusal on the part of said company. When it shall be necessary for the convenience of the public, or persons receiving or sending property by said rail road, the said company shall permit side tracks to intersect their main road, at any depot on or along the line of said road; and that such persons shall be entitled to have any property taken from such side tracts, under the direction and regulations of said company, without unreasonable delay.

May const'ct
with other
roads.

Sec. 18. If it shall be necessary for the said rail road company, in the selection of the route or the construction of the said rail road, to be by them laid out and constructed, or any part of it, to connect the same with, or to cross any rail road, canal, dam or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for the said company to contract with such other corporation for the right to cross or use such road, canal, dam or bridge, or for the transfer of such of the corporate or other rights and privileges of such corporation to the said company hereby incorporated, as may be necessary in that respect, and every such other corporation acting under the laws of this state is hereby authorized to make such contract or transfer by and through the agency of the persons authorized by the respective acts of incorpo-

ration to exercise their corporate power, or by any persons who are by the laws of this state entrusted with the management and direction of such rail road, canal, dam or bridge, or any of the rights or privileges aforesaid, and every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the several parties under their respective corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the rights to use and enjoy the same as fully as they are used and enjoyed by the said corporation in whom they are now vested.

SEC. 19. The said company shall have power to purchase with the funds of the company, or contract for and place on any rail road constructed by them under this act, all machines, wagons, carriages or vehicles of any description which they may deem necessary and proper for the purposes of transportation, on said rail road, and they shall have power to charge for tolls and transportation, such sums as shall be lawfully established by the by-laws of said company; and it shall not be lawful for any other company, or any other person or persons, to transmit any passengers or merchandize, or property of any description whatever, upon said rail road or any part of it, without the license or permission of said company; and the said rail road, with all its improvements, works and profits, and all machinery used on said rail road for transportation, and all the machine shops, depots, buildings and edifices connected with said rail road, shall be vested in the said company forever; and the shares of the capital stock of said company, shall be considered personal property, and shall be transferable on the books of said company, agreeably to the by-laws of said company, and subject to be taken in execution, agreeably to such laws as are or may be hereafter in force.

SEC. 20. The said company shall have full power and authority to ask for, demand, recover and take the tolls or dues to and for their own proper use and benefit, on all goods, merchandize and passengers, using or occupying the said rail road, or any other convenience, erection or improvement built, occupied or owned by the said company, to be used therewith. But such tolls or dues shall not exceed the maximum authorized to be charged by the Michi-

May purchase vehicles.

Charge for transportation, &c.

gan Central Rail Road Company, for corresponding distances; and they shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and storage, and shall have full power to erect and maintain such toll houses and other buildings, for the accommodation and proper transaction of their business as to them may seem necessary. Said company may charge and collect a reasonable sum for storage on property transported by them on said road, on delivery thereof at any of their depots; which property shall have remained so stored more than five days after notice to owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to owner, if consignee not known. And said company shall transport merchandize and property and passengers, upon said road without partiality or favor, and with all practicable dispatch, under a penalty for each violation of this provision, of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against said company. But soldiers, sailors and marines, and officers of the army and navy of this State, or in the service of the United States, and arms, ordnance, military stores and munitions of war, shall take precedence of other persons or property, first in favor of this state, second of the United States.

Can cross
streams, &c.

SEC. 21. Whenever it shall be necessary for the construction of their Railroad to intersect or cross any stream of water or water course, or road or highway, lying on the route of the said Railroad, it shall and may be lawful for the company to construct their Railroad across or upon the same: *Provided*, That the said company shall restore the stream or water course, road or highway thus intersected or crossed, to its former state or in a sufficient manner not unnecessarily to impair its usefulness.

SEC. 22. The said company may annually or semi-annually, make such dividend as they may deem proper of the nett profits, receipts or income of the said company, deducting the necessary expenses, and they shall make the dividend among the stockholders of the said company in proper proportions to their respective shares.

SEC. 23. It shall be lawful for the directors to require payment

of the sums subscribed to the capital stock of said company, at such times and in such proportions, and on such conditions as they shall deem proper and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after the time in such notice specified for the payment thereof, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser on the books of the company by the president thereof; and such delinquent subscriber or stockholder shall be held accountable to the company for the residue of the assessments, not satisfied by the proceeds of such sale of his share or shares, if sold for less than the assessments due thereon with the interest and costs of sale, and such costs and interests to be first paid from the proceeds of such sale, and shall be entitled to the surplus if his share or shares shall sell for more than the assessments due, with interest and cost of sale: *Provided, however,* That no assessment shall be laid upon any shares in said corporation for a greater amount in the whole than one hundred dollars upon each share.

When payments may be required on stock.

Sec. 24. The directors shall have full power to conduct the affairs of said company, and to exercise any powers which said company might exercise, except where provision is made by this act for the exercise of such powers by the stockholders at their annual or special meetings, or where the powers of the directors may be restrained by the by-laws of said company.

Power of directors.

Sec. 25. The directors of said company shall annually, on or before the twenty-fifth day of January, make a report to the secretary of state, which shall embrace the business of the preceding year, to the first day of January, stating the length of their road in operation; cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be; the amount of capital stock subscribed, and the amount actually paid in; and the amount

To report to sec. of state.

of all loans made by said company for the purpose of constructing said road; the amount of dividends; the names of the stockholders with the amount of stock owned by each, respectively; receipts from freight, from passengers and from all other sources on account of operating the road, the number of through and way passengers respectively; the expenditures for the repairs of the road; for repairs of engines and cars, and other expenditures, which three items shall include all the expenditures for operating the road, and the expenditures made for construction during the year; the number of engines, of passenger, freight and other cars; the average number of men in employment of the company; the number of miles ran by passenger, by freight and other trains; which report shall be verified by the affidavit of at least two of the directors, and filed in the office of the secretary of state.

Annual tax.

SEC. 26. The said company shall pay to the state an annual tax of one half of one per cent upon its capital stock paid in, including all loans made by said company, for the purpose of constructing said rail road until the first day of February, A. D. 1875, and thereafter, an amount of three-fourths of one per cent. on the capital stock paid in, including all loans made to said company; which tax shall be paid in the last week in January in each year, to the state treasurer, and the property and effects of said company, whether real, personal or mixed, shall, in consideration thereof, be exempt from all and every tax, charge and exaction by virtue of any laws of this state now or hereafter to be in force, except penalties by this act imposed.

Lien of the state.

SEC. 27. The state shall have a lien upon the railroad of said company, its appurtenances and stock thereon, for all penalties, taxes and dues which may accrue to the state from said company, which shall take precedence of all other debts or demands, judgments or decrees against said company; and every inhabitant of this state shall have a lien upon said rail road, stock and appurtenances, and upon the property of said company, for all penalties, dues or demands against said company to the amount of one hundred dollars, originally contracted within this state, which, after said state lien, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said road or company.

Sec. 28. If any person shall wilfully or maliciously do, or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building, construction or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be guilty of a misdemeanor, and may be punished upon conviction, by fine, or by imprisonment not exceeding five years, or both, at the discretion of the court; and shall forfeit and pay to said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said company, with costs of suit, by action of trespass, or trespass on the case.

Penalty for wilful injuries to property.

Sec. 29. Said company shall at all times, if required by the Post Office Department, transport the United States mail upon said road, as often as their cars shall pass thereon, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department; and in case no such agreement can be made, it shall be lawful for the governor of this state to appoint one commissioner and said company one, who, in case they cannot agree, shall appoint a third commissioner; which said commissioners or a majority of them, shall agree upon and fix the prices, terms and conditions of transporting such mail, after fifteen days' notice to said company: *Provided*, That nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

Shall transport U.S. mail.

Sec. 30. The legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years after the passage of this act, unless it shall be made to appear to the legislature, that there has been a violation by the company of some of the provisions thereof.

Power to repeal.

Sec. 31. This act shall take effect and be force from and after its passage.

Approved, January 30, 1847.

[No. 6.]

AN ACT to amend the Charter of the City of Detroit, as to the time of making assessments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, as follows, to wit:* That the several assessors of the city of Detroit be required to make and complete the assessment rolls, on which the city, school and road taxes are to be levied and collected for their respective wards, on or before the first Monday of March, in each of [and] every year.

SEC. 2. The several collectors shall have power to levy upon the personal property of persons from whom taxes may be due, whenever such property may be found within the bounds of said city.

SEC. 3. All acts and parts of acts in so far as they contravene the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

Approved January 30, 1847.

[No. 7.]

AN ACT to extend the time for the collection of certain taxes for the year eighteen hundred and forty-six, in the city of Detroit.

Time extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* the time for the collection of taxes in the city of Detroit for the year eighteen hundred and forty-six, upon the property of residents, is hereby extended until the first Monday of March next.

Duty of collectors.

SEC. 2. The collectors of the several wards of said city are hereby authorized and empowered to proceed and collect said taxes, as fully as they could do during the life time of their warrants, and make their returns at any time on or before the first Monday of March next, and the said warrants are hereby continued in full force and virtue for the purpose aforesaid, until the said first Monday of March next.

Per centage to be added.

SEC. 3. Upon the taxes due from all persons availing themselves of the extension of time herein authorized, the collectors shall be, and they are hereby required to add one per cent., which per centage shall be collected, accounted for and paid over in the same manner as the original taxes.

SEC. 4. It shall be the duty of the several collectors of the city of Detroit, before they shall be entitled to the benefits of this act, ^{When collectors to pay over money.} to pay over all moneys collected during the life time of their warrants, as is now provided by law, and to renew their official bonds to the satisfaction of the treasurer of the county of Wayne.

SEC. 5. This act shall take effect from and after its passage.

Approved January 30, 1847.

[No. 8.]

AN ACT to extend the time for the collection of certain taxes for the year eighteen hundred and forty-six, in the county of Saginaw; also in the township of Vienna in the county of Genesee, and in the township of La Salle in the county of Monroe.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time for the collection of taxes in the county of Saginaw, for the year eighteen hundred and forty-six, upon the property of residents, is hereby extended until the first Monday of March next. ^{Time extended.}

SEC. 2. The treasurers of the several townships in said county are hereby authorized and empowered to proceed and collect said taxes as fully as they could do during the life time of their warrants, and make their returns at any time on or before the first Monday of March next; and their said warrants are hereby continued in force until the first Monday of March next. ^{Duty of treasurers.}

SEC. 3. It shall be the duty of the several treasurers in the county of Saginaw, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of their warrants, as is now provided by law, and to renew their official bonds to the satisfaction of the treasurer of said county.

SEC. 4. The time for the collection of taxes in so much of the township of Vienna, as is embraced in town nine, north of range five east, and also the time for the collection of taxes in the township of La Salle, county of Monroe, is hereby extended to the first day of March next. ^{Vienna and La Salle.}

SEC. 5. The treasurers of the townships of Vienna and La Salle aforesaid, are hereby authorized and empowered to proceed and collect said taxes, in the same manner as during the life time of

their warrants, respectively, and to make returns to the respective county treasurers, on or before the first Monday in March next; and their warrants respectively are hereby continued in full force and virtue for the purpose aforesaid, until the said first Monday in March next: *Provided*, They shall first severally renew their official bonds, to the satisfaction of the treasurers of the said counties of Genesee and Monroe respectively.

Returns,
how made.

SEC. 6. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and forty-six, duly returned to the auditor general for non-payment.

SEC. 7. This act shall take effect from and after its passage.

Approved January 30, 1847.

[No. 9.]

AN ACT to extend the time for the collection and return of taxes in the township of Marshall in the county of Calhoun.

Time exten-
ded.

SECTION 1, *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection and return by the township treasurer, of the taxes assessed for the year eighteen hundred and forty-six, in the township of Marshall, in the county of Calhoun, be and it is hereby extended to the first day of April next.

SEC. 2. The time for the collection and return by the township treasurer aforesaid, of so much of the taxes in said township as are contained in the column of school taxes, in school district number one, of said township, and remain uncollected on the said first day of April, be and the same is hereby extended until the first Monday of September next.

Treas'r to
give securi-
ty.

SEC. 3. It shall be the duty of the township treasurer of said township, on or before the first day of February next, to renew his security to the county treasurer, and thereupon his warrant for the collection of said taxes shall be and continue in full force, for the purpose of collecting said taxes, until the said first day of April next.

SEC. 4. If any of the taxes specified in the second section of this act, remain unpaid at the time of the election and qualification of a township treasurer for the next year, the said treasurer shall immediately give security to the county treasurer in the usual form, and for the balance so remaining uncollected, and thereupon the said county treasurer shall deliver him the tax roll aforesaid, with the warrant attached, and the warrant shall have thereafter the full force and effect of an original warrant, so far as said uncollected school taxes are concerned, and shall continue in force until the first day of September next.

SEC. 5. The return of any non-resident taxes in said township shall be made in all respects, in manner and form now required by law, except as to time, which is hereby extended so as to correspond with the foregoing provisions; and when such returns are made they shall be equally binding and valid as if returned on the first day of February next. Returns,
how made.

SEC. 6. The school inspectors of said township shall apportion the money for primary school purposes, among the several districts of said township the same as if this law had not been passed, but shall not pay any part thereof to school district number one, until the other districts in said township are fully paid their apportionment. Duty of
school insp.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved January 30, 1847.

[No. 10.]

AN ACT to change the name of Rhoda Zeolida Critchett.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the name of Rhoda Zeolida Critchett, a minor, and daughter of John and Catharine Critchett, be and the same is hereby changed to Rhoda Zeolida White.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 1, 1847.

[No. 11.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and forty-six, in the township of Pittsford, county of Hillsdale.

Time to col-
lect taxes
extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Pittsford in the county of Hillsdale, is hereby extended to the first day of March next.

Manner of
collecting

SEC. 2. The treasurer of the township of Pittsford, aforesaid, is hereby authorized and empowered to proceed and collect said taxes, in the same manner as during the life time of his warrant, and to make returns to the county treasurer, on or before the first Monday in March next; and his warrant is hereby continued in full force and virtue for the purpose aforesaid, until the said first Monday in March next: *Provided*, He shall first renew his official bond to the satisfaction of the treasurer of the said county of Hillsdale.

Unpaid tax.
how return-
ed.

SEC. 3. A transcript of all unpaid taxes to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and forty-six, duly returned to the auditor general for non-payment.

SEC. 4. This act shall take effect from and after its passage.

Approved February 1, 1847.

[No. 12.]

AN ACT to authorize the Common Council of the village of Adrian to confirm the appointment of certain firemen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the common council of the village of Adrian in the county of Lenawee, shall be and are hereby authorized to confirm the selections of firemen made by the several fire companies of said village, between the twelfth of December, eighteen hundred and forty-five, and the seventeenth of August, eighteen hundred and forty-six, as of the date of their selection and service, according to the rules and regulations of said village in reference to firemen.

Sec. 2. This act shall take effect from the day of its passage.
Approved February 3, 1847.

[No. 13.]

AN ACT to change the name of the Village of Truago, in the county of Wayne.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the name of the village of Truago, in the county of Wayne, be, and the same is hereby changed to "Trenton," and by that name shall hereafter be known and designated.

Sec. 2. In all deeds of real estate in said village hereafter made, it shall be lawful to designate the same as situate in the village of Trenton; and such deeds shall have the same force and effect, as if the plat of said village had been acknowledged and recorded as the village of Trenton.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 5, 1847.

[No. 14.]

AN ACT to provide for the payment of Samuel W. Hill, while claiming a seat in the House of Representatives.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the state treasurer be, and hereby is authorized to pay, upon the certificate of the Speaker of the House of Representatives, such sum as may be due Samuel W. Hill for travel to and from the capitol, at the rate of three dollars for every twenty miles, and three dollars for every day's attendance while claiming a seat as a member of the House of Representatives during the present session.

Sec. 2. That there be appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient for the purpose aforesaid.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 5, 1847.

[No. 15.]

AN ACT to give immediate effect to Chapter One Hundred and Nineteen of the Revised Statutes of eighteen hundred and forty-six.

Chapter 119
of the R. S.
to take im-
mediate ef-
fect.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter numbered one hundred and nineteen of the revised statutes of eighteen hundred and forty-six, entitled "of proceedings by and against public bodies having certain corporate powers, and by and against officers representing them," shall take effect and be in force from and after the passage of this act: *Provided, however*, That all proceedings which shall be commenced by or against any of the public bodies or officers mentioned in said chapter, before the first day of March next, may, at the option of the party commencing the same, be brought and conducted in accordance with existing laws.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 5, 1847.

[No. 16.]

AN ACT to authorize the Highway Commissioners of the Township of Kalamazoo to vacate certain Streets.

Com'rs to
vacate cer-
tain street.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the highway commissioners of the township of Kalamazoo shall have power, and they are hereby authorized, in case they shall think the public good requires it, to vacate and discontinue Willard street, (so called) in the village of Kalamazoo, as laid out and designated upon the map or plan of said village, or as much thereof as the public good may, in their judgment, require to be discontinued; and in case the said highway commissioners shall discontinue said street, the space of ground occupied by the same shall cease to be public property, and may be

appropriated to such uses as those interested therein and entitled thereto shall deem expedient: *Provided*, That the highway commissioners shall not in any case, discontinue said street or any part thereof, unless the owners of property or lots bordering upon the same, or which may be damaged by said discontinuance, shall first by their deeds duly executed and acknowledged assent to said discontinuance, and quit claim and release all claim for damages which may be caused thereby.

SEC. 2. In case said highway commissioners shall discontinue said street, or any part thereof, such proceedings as may be had relative thereto, shall be recorded at length in the records of said highway commissioners, and a certified transcript thereof shall be recorded in the office of register of deeds for Kalamazoo county. Proceedings to be recorded.

SEC. 3. Said highway commissioners are also further authorized to vacate so much of Church street, in said village, as lies between Academy and Jail squares in said village, and that they cause a record of the said vacation of said street to be made in the office of the register of deeds for the said county of Kalamazon, as required in the second section of this bill, [act] to stand as a part of the recorded plat of said village. To vacate Church st.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 13, 1847.

[No. 17.]

AN ACT to extend the time for the return of certain Taxes in the township of Lima, in the county of Washtenaw.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the treasurer of the township of Lima, in the county of Washtenaw, be, and he is hereby authorized to make his returns of delinquent taxes for the year one thousand eight hundred and forty-six to the treasurer of the said county on or before the twenty-fifth day of February instant, and such return shall be as valid and have the same force and effect as if it had been made within the time prescribed by law for making like returns in other cases, and the said treasurer of the said county of Washtenaw is Time for the return of taxes extended.

hereby authorized and directed to receive said returns and forward a transcript of the same to the auditor general, in conformity with existing law.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 16, 1847.

[No. 18.]

AN ACT to provide for the settlement of the claims of supervisors of the several townships within this state.

To settle
with super-
visors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the state land office be and he is hereby authorized and required to settle with and pay to the supervisors of the several townships within this state, such sum or sums as shall upon proof made to him, appear to be due to said supervisors, for services rendered by them under the provisions of an act entitled "an act to establish a land office, to prescribe and regulate the disposition of the public lands, and for other purposes," approved March eleventh, eighteen hundred and forty-four.

Sec. 2. The said commissioner of the land office is authorized to pay the same out of any moneys in his hands not otherwise appropriated, primary school and university funds excepted.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 16, 1847.

[No. 19.]

AN ACT to authorize the Supervisors of the County of Kent to construct a canal and locks around the rapids of Grand River, at Grand Rapids.

Supervisors
authorized
to construct
canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of the county of Kent, and their successors in office, be and they are hereby authorized to construct a canal, with sufficient locks for the passage of boats and other water craft, around the rapids of Grand River, at Grand Rapids in said county.

SEC. 2. That twenty-five thousand acres of internal improvement and be and the same are hereby appropriated for the construction of said canal and locks, which appropriation shall be in lieu of all unexpended balances of previous appropriations for the same purpose.

Land appropriated.

SEC. 3. That the board of supervisors of the county of Kent are hereby authorized to select, or cause to be selected, said quantity of land, and report the same to the commissioner of the state land office, who shall thereupon reserve and withhold from sale all tracts and parcels of land so selected, and shall issue certificates therefor in tracts of not less than eighty acres to such person or persons as may hereafter become entitled to the same, under the provisions hereinafter mentioned.

To select land.

SEC. 4. That the said canal shall not be of less capacity than forty-five feet on the water line, four feet deep at all seasons, and the lock or locks not less than one hundred and thirty-five feet in length, and thirty feet in width in the clear. And the same shall be so constructed as to receive boats twenty-nine feet wide, and one hundred and thirty feet long, and of thirty inches draft, in slack water below the foot of the rapids, and pass them to slack water above the rapids, at all stages of water.

Capacity of canal.

SEC. 5. The said board of supervisors or their successors in office may also, if they should deem it necessary or expedient, cause a dam or wing dam to be erected at some convenient point for supplying said canal with water; in the plan and construction thereof, however, suitable provisions shall be made for a passage over said dam for boats, barges, rafts, or other water craft, at the proper stage of water, by means of a sluice or apron therein: *Provided, however,* That said dam shall not be elevated so high as to raise the river above said rapids so as to flow the lands belonging to the public or individuals.

May cause a dam to be erected.

SEC. 6. That after the said canal, locks, (and dam, if deemed necessary or expedient,) and all the works appertaining to the improvement hereby contemplated, shall have been finished and completed, the right of way secured to the people of the state of Michigan, and the judges of the counties of Kent and Ionia, or a majority of them, shall so certify, and file the same in the state land office.

Com'r of land office to issue certificate.

then the commissioner of the said land office, shall, when requested by the board of supervisors of Kent county and their successors in office, issue certificates for land hereby appropriated and by them selected, to such person or persons as shall be designated by them: *Provided*, That said certificate of the completion of said work shall be filed within three years from the passage of this act: *Provided further*, That certificates shall be issued for no more land than the actual cost of said canal, locks and dam, estimating the price of said land at one dollar and twenty-five cents per acre.

May collect
tolls.

SEC. 7. The said board of supervisors, or their successors in office, may from time to time charge and collect such rates or tolls for the admission into, or passage through said canal and locks, of boats or other water craft, goods, wares and merchandise, rafts of lumber or timber, or other materials not herein enumerated, as they shall deem necessary for the purpose of keeping said canal, locks and dam in repair.

Canal, &c.,
to be under
supervision
of supervi-
sors.

SEC. 8. The said canal, locks, dam and all the appurtenances thereto belonging, shall at all times be under the care and supervision of said board of supervisors; and if any person or persons shall wilfully obstruct in any manner the free passage of boats, or other water craft, or injure or destroy said canal, locks, dam, or any of the appurtenances thereunto belonging, or any portion thereof, the said person or persons shall be liable to said board in their corporate capacity, or to their successors in office, for treble damages, to be recovered in an action of debt in any court of competent jurisdiction, and when so recovered, the same shall be expended in keeping the said canal, locks and dam in repair.

To advertise
for propo-
sals.

SEC. 9. The said board of supervisors shall, before proceeding to select the land herein appropriated, advertise for proposals for constructing said canal, such advertisement to be published for three successive weeks, in a newspaper published in the county of Kent, and in the state paper, prior to the time for letting contracts. At the time provided for letting such contracts, the said board of supervisors shall let the same to the lowest bidder therefor, not exceeding the twenty-five thousand acres of land herein appropriated: *Provided*, The same is in their opinion for the best interest of the public; and provided such bidder shall execute to

the board of supervisors and their successors, good and sufficient bonds, with sureties to be approved by the said board, conditioned for the completion of said canal within the time limited by this act: *And provided, further,* Grants of the right of way, and a release of all damages to the state of Michigan for the construction and maintainance of said canal, shall first be executed by the owners of the land through which the same may pass, and recorded in the register's office of the county of Kent, so that the said right of way shall be secured to the state of Michigan free from all incumbrances whatever, leaving to the owners of the land on either side of said canal the use of the water therein for hydraulic purposes, so as not to interfere with the navigation of the same; the state reserving the right at all times to regulate the amount of tolls on said canal.

SEC. 10. The land to be selected as provided in this act shall be withheld from sale only until the time provided for the construction and completion of said canal, and until one year thereafter, and the same shall be selected within the district of lands for sale at the United States land office in Ionia, or in the county of Allegan, or either or both.

Time land
to be with-
held from
sale.

SEC. 11. The legislature may at any time further provide for carrying out the true intent and meaning of this act, and for converting said canal into state property whenever the public good may require, after fifteen years from the passage of this act, the rights of individuals as then existing to be fully secured to them.

May convert
canal into
state prop-
erty.

SEC. 12. The state shall in no way be made liable for any damages or demands which may be claimed or accrue from and under the operation of this act.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved February 20, 1847.

[No. 20.]

AN ACT to change the name of John McIver, of Grand Rapids, in the county of Kent.

SECTION 1. *Be it enacted by the Senate and House of Representa-*

tives of the state of Michigan, That from and after the passage of this act it shall be lawful for John McIver, of Grand Rapids, in the county of Kent, to take and assume the name of John Riley, and by that name he shall be hereafter known and designated.

Approved February 20, 1847.

[No 21.]

AN ACT to amend an act entitled an act to provide for the laying out of a state road, approved March sixth, eighteen hundred and forty-four.

Be it enacted by the Senate and House of Representatives of the State of Michigan, SECTION 1. That the act entitled an act to provide for laying out a state road, approved March sixth, eighteen hundred and forty-four, be and the same is hereby so amended that the time for laying out said road be extended to the first day of July eighteen hundred and forty-eight.

Approved February 24, 1847.

[No. 22.]

AN ACT to amend section two of Chapter ninety-two of the Revised Statutes of eighteen hundred and forty-six, relative to the election of County Judge in case of vacancy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the proviso at the end of section two of chapter ninety-two of the revised statutes of eighteen hundred and forty-six, in the words following, to wit: "*Provided, That when the office of county judge becomes vacant from any cause, such vacancy shall be filled at the first general election thereafter,*" be and the same is hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

Approved February 26, 1847.

[No. 23.]

AN ACT to regulate proceedings in cases pending in Chancery and the Circuit Courts, and to amend "an act for revising and consolidating the General Statutes of the State of Michigan," approved May 18, 1846.

Be it enacted by the Senate and House of Representatives of the State of Michigan, SECTION 1. The terms of the circuit court of this state ^{Terms, how holden.} shall continue to be holden as appointed under provisions of law existing at the time of the passage of this act, until the first day of May next, any law to the contrary notwithstanding.

SEC. 2. The office of chancellor of this state is hereby abolished.

SEC. 3. For the purpose of disposing of all causes and matters ^{Matters in chancery, how determined.} pending and undetermined in the court of chancery on the first day of March next, it shall be the duty of the justices of the supreme court to assign to each one of said justices, the duty of holding a court of chancery in some one or more of the chancery circuits as established by law at the time of the passage of this act; and each of such justices are, for the purpose aforesaid, hereby vested with all the powers now possessed by the chancellor of this state; and the rules of the court of chancery now in force, shall so far as the same are applicable, continue in force until said causes are finally disposed of, or unless the same be altered by the said justices, or of one of them while sitting in the chancery circuit assigned to him.

SEC. 4. Appeals may be taken from the final order or decree ^{Appeals to sup court.} made in any of said causes to the supreme court, under the same restrictions as are provided for in so much of chapter ninety of the act to which this is amendatory, as provides for appeals from the circuit court in chancery to the supreme court.

SEC. 5. The registers in chancery of the said chancery circuits as ^{Registers in chancery.} heretofore established by law, shall continue to hold their offices, until the causes and matters aforesaid shall be finally disposed of; and in the event of a vacancy happening in the office of register, from any cause whatever, the justices of the supreme court may appoint a register to fill such vacancy.

SEC. 6. The times for holding the court of chancery for the pur- ^{Terms, how fixed.} poses aforesaid, in the several and respective chancery circuits, shall be fixed by the justices of the supreme court; thirty days' notice thereof shall be given in one of the newspapers published in the

city of Detroit, and a copy thereof transmitted to the respective registers in chancery.

SEC. 7. The five preceding sections shall be so construed as to stand in lieu of sections two and three of chapter ninety of the act to which this act is amendatory, which said sections two and three are hereby repealed.

Duty of sec
of state.!

SEC. 8. This act shall take effect from and after its passage; and it shall be the duty of the secretary of state to cause the same to be immediately published, and copies thereof to be distributed to the clerks of the several counties of this state.

Approved February 27, 1847.

[No. 24.]

AN ACT to repeal part of an act entitled "An act authorizing the construction of a Wagon Road on the line of the Northern Rail Road," approved March 9th, 1843.

Certain acts
repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of an act entitled "an act authorizing the construction of a wagon road on the line of the northern rail road," as authorizes the non-resident highway tax to be expended in the construction of said road in the counties of Lapeer and St. Clair, be, and the same is hereby repealed.

Taxes to be
paid town-
ship treas-
urers.

SEC. 2. Any non-resident highway tax or moneys which may have been or may hereafter be received by the treasurer of the counties mentioned in the first section of this act, by virtue of the act authorizing the construction of a wagon road on the line of the northern rail road," shall be paid over to the township treasurers of the several townships through which said road passes, to be expended by them according to law: *Provided*, Nothing herein contained shall be construed to interfere with the performance or payment of any contract heretofore made in pursuance of said act, or from the collection of a sufficient amount of taxes and their proper application to the payment of all contracts already entered into by authority of law.

SEC. 3. This act shall take effect from and after its passage.

Approved March 1, 1847.

[No. 23.]

AN ACT to regulate proceedings in cases pending in Chancery and the Circuit Courts, and to amend "an act for revising and consolidating the General Statutes of the State of Michigan," approved May 18, 1846.

Be it enacted by the Senate and House of Representatives of the State of Michigan, SECTION 1. The terms of the circuit court of this state ^{Terms, how holden.} shall continue to be holden as appointed under provisions of law existing at the time of the passage of this act, until the first day of May next, any law to the contrary notwithstanding.

SEC. 2. The office of chancellor of this state is hereby abolished.

SEC. 3. For the purpose of disposing of all causes and matters ^{Matters in chancery, how determined.} pending and undetermined in the court of chancery on the first day of March next, it shall be the duty of the justices of the supreme court to assign to each one of said justices, the duty of holding a court of chancery in some one or more of the chancery circuits as established by law at the time of the passage of this act; and each of such justices are, for the purpose aforesaid, hereby vested with all the powers now possessed by the chancellor of this state; and the rules of the court of chancery now in force, shall so far as the same are applicable, continue in force until said causes are finally disposed of, or unless the same be altered by the said justices, or of one of them while sitting in the chancery circuit assigned to him.

SEC. 4. Appeals may be taken from the final order or decree ^{Appeals to sup court.} made in any of said causes to the supreme court, under the same restrictions as are provided for in so much of chapter ninety of the act to which this is amendatory, as provides for appeals from the circuit court in chancery to the supreme court.

SEC. 5. The registers in chancery of the said chancery circuits as ^{Registers in chancery.} heretofore established by law, shall continue to hold their offices, until the causes and matters aforesaid shall be finally disposed of; and in the event of a vacancy happening in the office of register, from any cause whatever, the justices of the supreme court may appoint a register to fill such vacancy.

SEC. 6. The times for holding the court of chancery for the purposes ^{Terms, how fixed.} aforesaid, in the several and respective chancery circuits, shall be fixed by the justices of the supreme court; thirty days' notice thereof shall be given in one of the newspapers published in the

they shall have full power to invest and control said fund as shall be in accordance with the intent of the testator.

Sec. 4. The board of school inspectors shall give a bond to the township in double the amount of the fund, with sufficient sureties, to be approved by the supervisor and treasurer of said township, conditioned for the faithful discharge of the trust, and the surrender of the principal of the said fund undiminished to their successors, on their vacation of office.

Sec. 5. The said board of inspectors, on receipt of the said fund, shall so invest the same as shall best subserve the purposes for which the same was created, and shall apportion the income thereof among the several school districts in said township, in proportion to the number of children in each, between the ages of four and eighteen years, as the same shall be shown by the annual report of the director of each district.

Sec. 6. No portion of the said fund shall ever be perverted to any other purpose or use, but the same shall be continued for the use and benefit of primary schools in said township forever.

Sec. 7. This act shall take effect from and after its passage.

Approved March 1, 1847.

[No. 26.]

AN ACT relative to copies of the United States laws.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the secretary of state is hereby authorized and directed to procure one or more complete copies of the laws of the United States to be deposited in the state library for the use of the legislature, and when so procured and deposited the said copy or copies shall not be taken from the capitol by any person whatsoever.

Approved March 1, 1847.

[No. 27.]

AN ACT to authorize Cyprian S. Hooker to erect a dam across the east branch of Flat River in the county of Kent.

SECTION 1. *Be it enacted by the Senate and House of Representa-*

tives of the State of Michigan, That Cyprian S. Hooker, his heirs ^{Erect dam.} and assigns, are hereby authorized and empowered to erect and continue a dam across the east branch of Flat River, in the county of Kent, adjoining lot number two of section two, township six, north of range nine west, in said county of Kent.

SEC. 2. The said dam shall not exceed three feet in height, and ^{Height of dam.} the occupant shall construct therein or thereat a convenient lock for the safe passage of boats, rafts and other water craft; whenever the county court of Kent county aforesaid, shall order the same to be done upon good cause shown.

SEC. 3. If at any time hereafter the water should be required to be drawn from said river for the purposes of internal improvement, it shall not be lawful for the said Cyprian S. Hooker, his heirs or assigns to recover any damages therefor.

SEC. 4. Nothing in this act shall be so construed as to authorize the person above named, his heirs or assigns, to enter upon or flow the lands of any other person or persons.

SEC. 5. The legislature may at any time alter, amend or repeal this act.

Approved March 1, 1847.

[No. 28.]

AN ACT to authorize Drusus Hodges to erect a dam across the Paw Paw River, in the county of Van Buren."

SECTION 1. *Be it enacted by the Senate and House of Representatives* ^{Erect dam.} *of the State of Michigan,* That it shall be lawful for Drusus Hodges, his heirs or assigns, and he is hereby authorized to erect and maintain a dam across the Paw Paw river, on the north fraction of the north west quarter of section ten, town three, south of range fifteen west: *Provided,* That a convenient lock of sufficient capacity be constructed by the said Hodges, and kept in repair for the passage of boats, arks, rafts and all other water craft navigating said river: *And provided,* That such water craft shall be suffered to pass free from toll of any kind during the continuance of said dam.

SEC. 2. Any person who shall destroy, or otherwise injure said

they shall have full power to invest and control said fund as shall be in accordance with the intent of the testator.

SEC. 4. The board of school inspectors shall give a bond to the township in double the amount of the fund, with sufficient sureties, to be approved by the supervisor and treasurer of said township, conditioned for the faithful discharge of the trust, and the surrender of the principal of the said fund undiminished to their successors, on their vacation of office.

SEC. 5. The said board of inspectors, on receipt of the said fund, shall so invest the same as shall best subserve the purposes for which the same was created, and shall apportion the income thereof among the several school districts in said township, in proportion to the number of children in each, between the ages of four and eighteen years, as the same shall be shown by the annual report of the director of each district.

SEC. 6. No portion of the said fund shall ever be perverted to any other purpose or use, but the same shall be continued for the use and benefit of primary schools in said township forever.

SEC. 7. This act shall take effect from and after its passage.

Approved March 1, 1847.

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SEC. 3. If at any time hereafter the water should be required to be drawn from said river for the purposes of internal improvement, it shall not be lawful for the said Cyprian S. Hooker, his heirs or assigns to recover any damages therefor.

SEC. 4. Nothing in this act shall be so construed as to authorize the person above named, his heirs or assigns, to enter upon or flow the lands of any other person or persons.

SEC. 5. The legislature may at any time alter, amend or repeal this act.

Approved March 1, 1847.

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SEC. 2. Any person who shall destroy, or otherwise injure said

Damages for
injury to.

dam, shall be deemed to have committed a trespass on the owner thereof, and shall be liable accordingly; but nothing in this act contained shall be construed to affect the rights of individuals who may be injured by reason of the erection or constructing said dam.

SEC. 3. If at any time hereafter, the waters should be required to be drawn from said river, for the purposes of internal improvement or navigation, it shall not be lawful for the said Drusus Hodges, or any person or persons owning or interested in said dam, to claim or recover any damages therefor.

SEC. 4. The legislature of this state may at any time hereafter alter, amend or repeal this act.

Approved March 1, 1847.

[No. 29.]

AN ACT relative to Proceedings and Papers in certain Criminal Cases.

Prosecutions
transferred
to criminal
court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all prosecutions for crimes and misdemeanors, and for the recovery of any forfeiture or penalty, undetermined or pending, in the several district courts in the counties of Wayne, Oakland, Washtenaw and Jackson, respectively, and all proceedings pending therein at the time the act entitled "an act for revising and consolidating the general statutes of the state of Michigan," approved May eighteenth, one thousand eight hundred and forty-six, took effect, shall be, and the same are hereby transferred to the several circuit courts for the counties wherein the same respectively originated; and shall in the said several circuit courts be proceeded in, heard and determined in the same manner as though they were originally commenced in said circuit courts; and all recognizances, records or certified copies thereof, and all files and papers relating to said prosecutions and proceedings remaining in said district courts, respectively, shall by the respective clerks thereof, be transmitted and filed with the several clerks of the proper circuits, under the direction of the proper circuit judge.

Complaints
returnable
into circuit
courts.

SEC. 2. All recognizances and papers taken in or relating to complaints and proceedings in criminal cases, before justices of the

peace and others, which by law were heretofore returnable or to be filed in the several district courts in the counties of Wayne, Oakland, Washtenaw and Jackson, shall be, and the same are hereby made returnable to, and shall be filed in the several circuit courts for the counties wherein such complaints and proceedings were respectively had; and all persons, by the condition of such recognices bound to be and appear in the district court in either of said counties, shall be and they are hereby obliged and bound to be and appear in the circuit court for such county on the first day of the term thereof next after the passage of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 1, 1847.

[No. 30.]

AN ACT to amend chapter sixty of the revised statutes of eighteen hundred and forty-six, relative to the public lands and the superintendence and disposition thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That sections number two, four and five of chapter number sixty of an act entitled an act for revising and consolidating the general statutes of the State of Michigan, be each severally amended by striking out the word "January," and substituting in lieu thereof the word "March," so that the time specified in each of said sections for the payment of interest, shall be on the first day of March, or within sixty days thereafter in each and every year. Certain sections amended.

SEC. 2. Strike out the twenty-sixth section of chapter sixty of said act, and insert as follows: "It shall be the duty of the commissioner to inquire into the situation and condition of the university lands lying near Toledo in the State of Ohio, and if in his opinion it would be advantageous to the fund to sell said lands, or be proper to offer them for sale, he is hereby authorized so to do. And in case it is deemed proper to offer the said lands for sale, and the commissioner is of opinion that their value exceeds the minimum price of twelve dollars per acre, he may procure an appraisal Sec. 26 as amended.

of the same by three disinterested persons under oath; and the said lands shall be offered at such appraisal, upon such terms and conditions of payment and forfeiture as the commissioner may deem most advantageous to the fund: *Provided*, That notice of the offering of said lands at public sale, shall be published in the newspapers at Toledo, and in the state paper at Detroit; and that none of said lands shall be sold at a less price than twelve dollars per acre."

SEC. 6. This act shall take effect and be in force on and after the first day of March next.

Approved March 1, 1847.

[No. 31.]

AN ACT to restore certain forfeited rights to certain purchasers of primary school lands.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That A. Hamilton Smith and Dempster B. Wood, of Berrien county, joint purchasers and assignees of of certificate number ninety-seven, (97) issued to Edward Smith, by the superintendent of public instruction, be and they are hereby authorized to pay to the commissioner of the state land office on or before the first day of May next, the amount then due and payable on said certificate. Such payment shall operate as a redemption of the rights of the parties claiming under said certificate. And the commissioner may, in his discretion, upon the payment as aforesaid, and the surrender and cancel of said certificate, issue two new certificates to the said assignees, at their request, describing their respective interests in the original certificate: *Provided*, That this act shall in no manner affect the rights of any purchaser of the land described in said certificate during the term of its reversion to the state; and the commissioner of the land office, shall be satisfied that the primary school fund will not be injured thereby.

SEC. 2. The provisions of the preceding section shall apply to John D. Worden, purchaser of the southwest quarter of section sixteen, in town three south of range four west, as per certificate number one thousand four hundred and forty-five, (1445) and to

Samuel C. Worden, purchaser of the north-west quarter of the northwest quarter, and the northeast quarter of the northwest quarter of section sixteen, town three south of range four west, as per certificate number one thousand three hundred and seventy-seven, (1377) and one thousand three hundred and seventy-eight (1378.)

SEC. 3. This act shall be in force from and after its passage.

Approved March 5, 1847.

[No. 32.]

AN ACT authorizing any five or more persons to form associations or companies for the purpose of constructing any line or lines of Electric Telegraph in the State of Michigan.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan,* That any five or more persons, who shall form an association or company, for the purpose of constructing and using any line or lines of telegraph in this state, or commencing in this state and terminating elsewhere, shall be entitled to all the benefits, privileges and immunities, and subject to all the pains, penalties and liabilities, contained in an act entitled "an act to regulate private associations and partnerships," approved eighteenth day of May, one thousand eight hundred and forty-six, so far as the provisions of that act are consistent with the purposes of such associations or companies, and not inconsistent with the provisions of an act entitled "an act authorizing any persons to construct lines of electric telegraph in the state of Michigan," approved the twenty-eighth day of January, one thousand eight hundred and forty-seven.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1847.

[No. 33.]

AN ACT to amend chapter fifty-eight of the Revised Statutes of eighteen hundred and forty-six, relative to the distribution of the income of the School Fund.

SECTION 1. *Be it enacted by the Senate and House of Representatives*

of the State of Michigan, That section one hundred and nineteen of chapter fifty-eight of the revised statutes, be amended by striking out the word "April," in the second line, and inserting in lieu thereof, the words "May, or as soon thereafter as is practicable."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1847.

[No. 34.]

AN ACT to provide for the payment of George A. Robinson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the state treasurer be and he is hereby authorized and required to pay the sum of one hundred dollars to George A. Robinson, out of any money in the treasury not otherwise appropriated, for his services in taking charge of state property at Grand Rapids from May first, eighteen hundred and forty-four, until July twentieth, eighteen hundred and forty-five, under the appointment of the governor.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1847.

[No. 35.]

AN ACT to authorize the minor heirs of the late Martha Town, deceased, to release their claims to a certain tract of land.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alvira Town, Lucy W. Town and Mary A. Town, minor children and heirs of Martha Town, deceased, be and they are hereby authorized and empowered, under the direction and supervision, and subject to the control and approval of the judge of probate of the county of Allegan, to release and convey by deed, under their hands and seals, to John A. Dimick, of said county, all their legal interest and estate in and to the following described lands, to wit: The south-west quarter of the north-west quarter, and the south-east quarter of the south-west

quarter of section twenty-one, in town three (3) north of range fifteen (15) west.

Sec. 2. This act shall take effect immediately.

Approved March 10, 1847.

[No. 36.]

AN ACT relative to certain transcribed records of the county of Livingston.

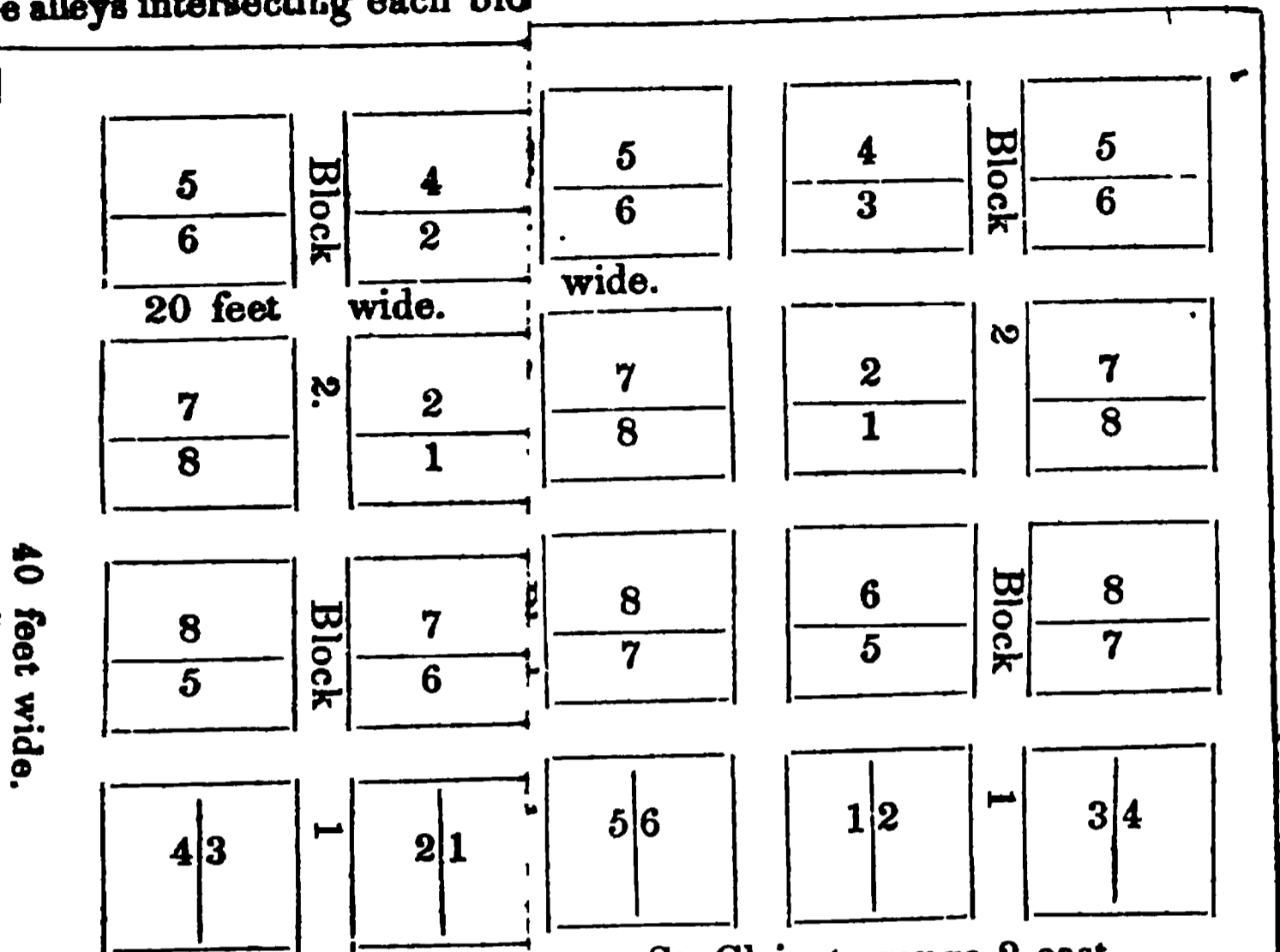
Whereas, In pursuance of the provisions of an act entitled "an act concerning the records of deeds and other conveyances of land," approved March twenty-fourth, eighteen hundred and thirty-six, the register of deeds of the county of Livingston did record or cause to be recorded in a certain book preserved and remaining in the office of the register of deeds of said county, entitled and endorsed "transcribed records," a copy of all such deeds, mortgages, conveyances and other instruments in writing as relate to the title of land in said county, originally recorded in the counties of Washtenaw and Oakland, but neglected to certify the said transcribed records or some portions thereof as prescribed by said act: Now therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the register of deeds of said county of Livingston be and he is hereby authorized and required, within one year from the passage of this act, either in person or by his deputy, to cause the records above mentioned to be carefully compared with the original records and to correct the same if defective; and when the same are found or made to be correct copies, it shall be his duty in person or by his deputy, to attach to said books of transcribed records, a certificate under his oath of office, that the said transcribed records compared by him as required by this act, are true copies of the original records; and the said transcribed records, when so certified, shall be received in evidence in all courts of justice in this state in the same manner and for the same purposes and to the like effect as the original records would be received.

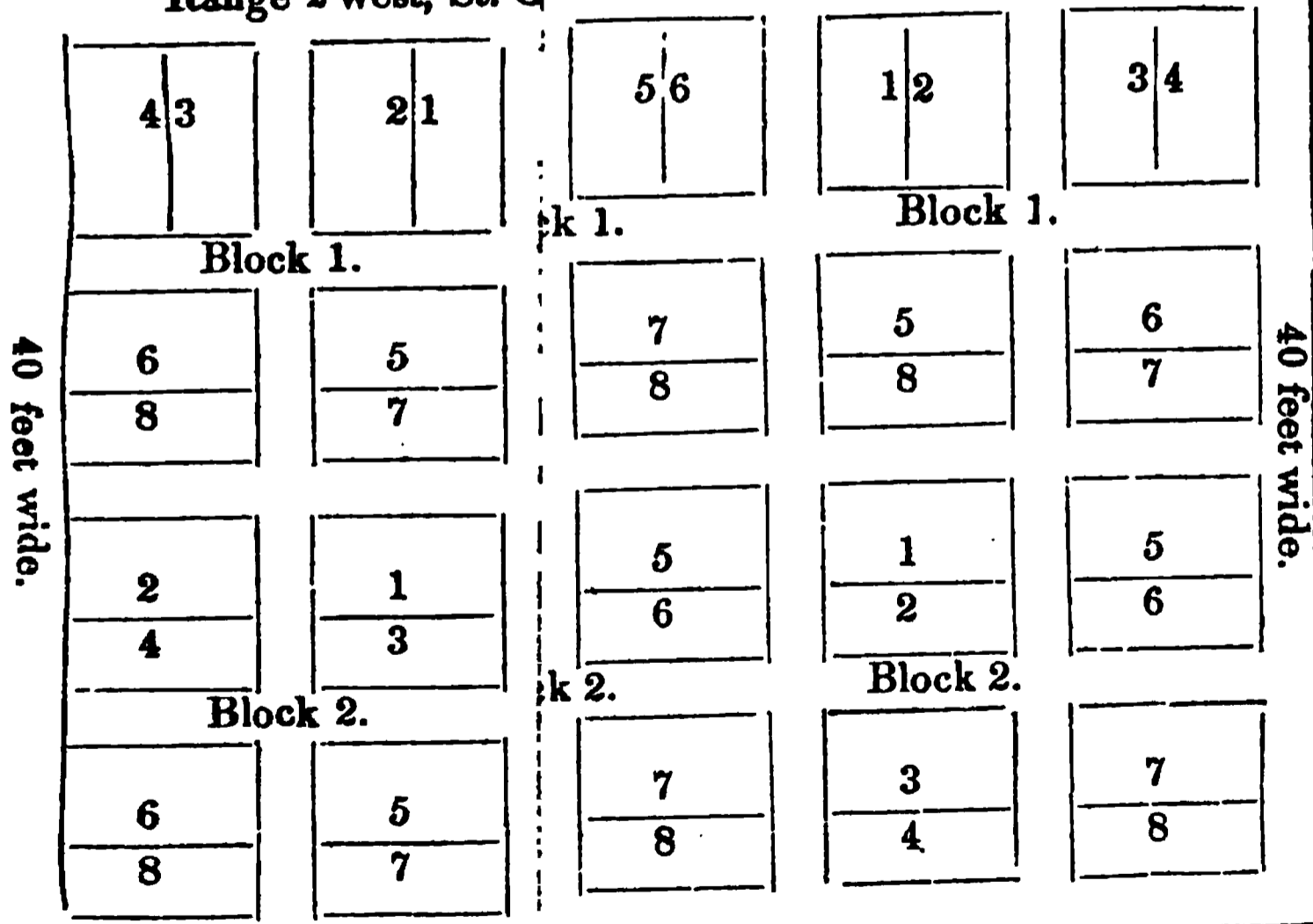
Duty of Register.

Sec. 2. The said register shall have access to and the use of the

• A Plat of the village of *Macomb*, and State of *Michigan*.
 The lots are 75 feet front and
 The alleys intersecting each block

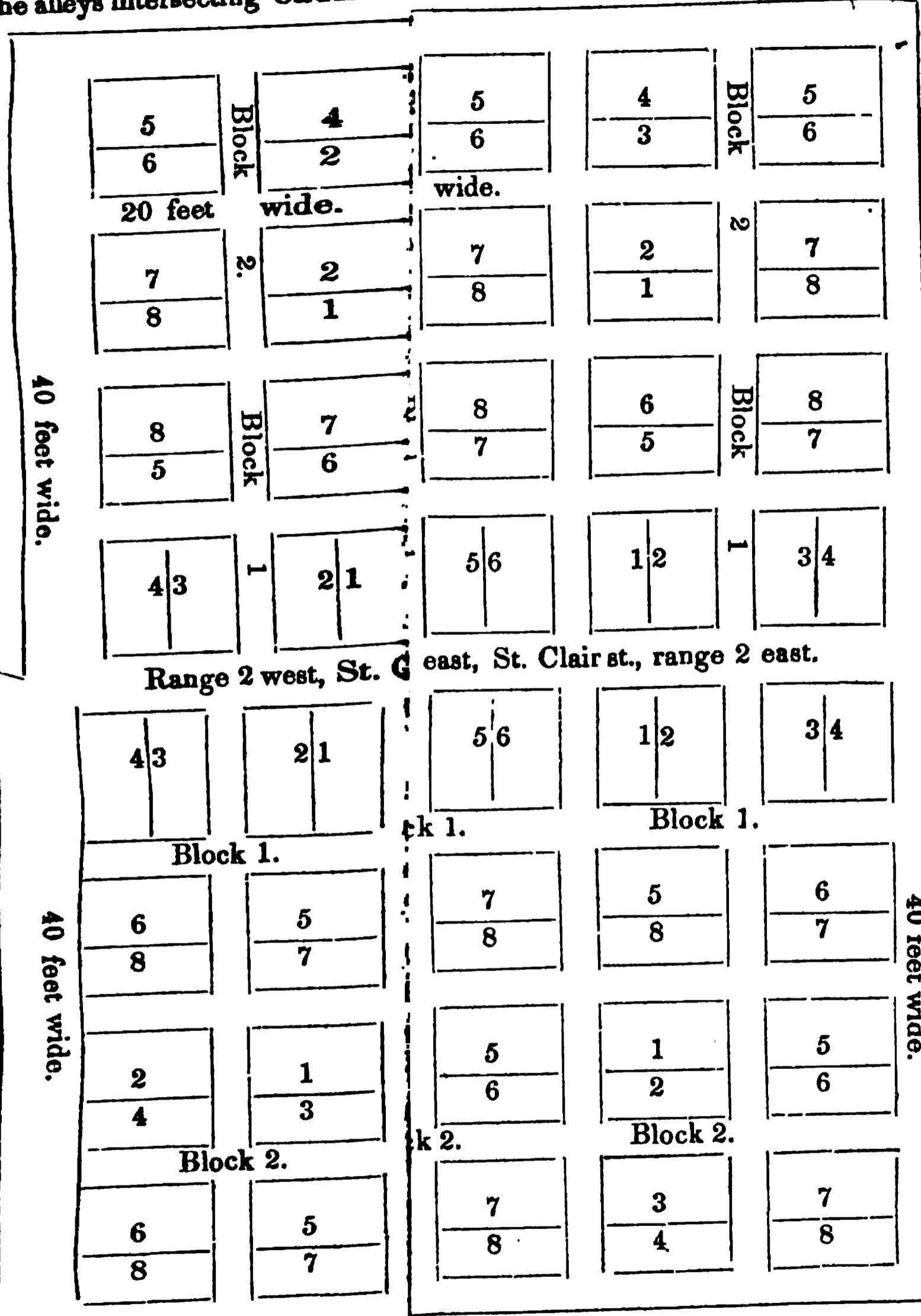


Range 2 west, St. Clair st., range 2 east.



*** A Plat of the village of Macomb, and State of Michigan.**

The lots are 75 feet front and 100 feet deep, except Main and St. Clair streets.
 The alleys intersecting each block are 10 feet wide.



[No. 39.]

AN ACT to incorporate the White Pigeon Academy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Levi Baxter, Edwin Kellogg, Elias S. Swan, John Redfern, Charles Kellogg and George W. Beisel, of the county of St. Joseph, and their successors in office, be and they are hereby constituted and declared a body corporate and politic, in fact and in name, under the name and style of the "White Pigeon Academy," and by that name they and their successors in office shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts whatever. ^{Incorporation.}

SEC. 2. The persons named in the preceding section and their successors in office, may have a common seal, and change the same at their pleasure, and by the name of the White Pigeon Academy, shall be capable in law of acquiring and holding by purchase, gift, grant, devise, bequest or otherwise; and of selling, conveying or leasing any estate, real, personal or mixed, for the purposes hereinafter mentioned, and no other; and they and their successors in office, shall have full power to make and enter into contracts, to make such rules and by-laws as may be necessary for the good government and success of said Academy: *Provided*, Such by-laws are not inconsistent with the constitution and laws of the United States and of this state. ^{May have a seal.}

SEC. 3. The capital stock of the said corporation shall not exceed the sum of ten thousand dollars, and shall be divided into shares of five dollars each. ^{Capital stock}

SEC. 4. Said corporation shall have power to establish and continue in the township of White Pigeon, an institution of learning for the instruction of persons in the various branches of literature and the arts and sciences. ^{Power of corporation}

SEC. 5. There shall be six trustees of the said corporation, who shall be members thereof, and who shall manage all the affairs thereof; and the first trustees shall be Levi Baxter, Edwin Kellogg, John Redfern, Elias S. Swan, Charles Kellogg and George W. Beisel, who shall hold their offices, and have and exercise the ^{Trustees}

powers and franchises hereby granted, until the first Monday in January, eighteen hundred and forty-eight, and until others are elected in their places.

General
meeting.

SEC. 6. There shall be on the first Monday of January, eighteen hundred and forty-eight, and on the first Monday in January in every succeeding year, a general meeting of the stockholders of said corporation at their academy building in the village of White Pigeon, or at any other place to be designated by the by-laws of said corporation, and a majority of the stockholders who shall meet in person or by proxy, shall elect by ballot six of the stockholders to be trustees of said corporation for the year then next ensuing.

Power of
trustees.

SEC. 7. The trustees of said corporation shall have power to choose of their own number a president, treasurer and secretary, who shall immediately enter upon the duties of their offices, and hold the same from the time of their election until the first Monday of January of the ensuing year, and until others are chosen in their stead; and in case any of the trustees shall die, resign, refuse or neglect to act, then and in such case the remaining trustees may, within thirty days thereafter, elect by ballot other stockholders of the said corporation in their stead, who shall hold their offices in the same manner as those first elected.

Stockholder
entitled to
one vote for
each share.

SEC. 8. Each stockholder shall be entitled to one vote for each share of which he shall be the holder, and the said trustees shall receive subscriptions for shares in said corporation until the capital stock may be subscribed. The said shares shall be assignable and transferrable according to such rules as the board of trustees shall from time to time make and establish, and shall be considered personal property.

Who to be
stockholders

SEC. 8. Each person residing in said county at the date of the passage of this act, who were subscribers and donors for erecting a building in said village in the year eighteen hundred and forty, for a branch of the university, shall be stockholders to the amount they have severally subscribed and paid for the benefit of said branch.

SEC. 10. That all the real and personal estate at any time heretofore donated to the regents of the university for the use of said branch by said subscribers, shall hereafter belong to and be owned by said corporation for the use of said institution.

SEC. 11. In case it shall at any time happen that an election of ^{Election of trustees.} trustees should not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved; but it shall and may be lawful on any other day to hold an election for trustees, in such manner as shall be provided by the by-laws and ordinances of said corporation.

SEC. 12. The said trustees shall faithfully apply all funds in money or otherwise, by them collected or acquired, according to ^{How to apply funds.} their best judgment, in the erection of suitable buildings, in the support of necessary officers and teachers, and procuring a suitable library and other articles necessary to insure the success of said institution.

SEC. 13. All process against said corporation shall be by ^{Process.} summons, and the service of the same shall be by leaving an attested copy with the president of said board of trustees, or in his absence, at his last place of abode, at least six days previous to the return day thereof.

SEC. 14. The trustees of said corporation shall be jointly and ^{Trustees liable.} severally liable for all debts against the corporation: *Provided,* That no execution shall issue against the individual property of said trustees until the property of the corporation shall have first been exhausted.

SEC. 15. The principal of the academy shall, on or before the first day of November of each year, report to the superintendent of ^{Who shall make report} public instruction the number of pupils in said academy, the studies pursued, the books used, and the general condition of the institution.

SEC. 16. The legislature may at any time alter, amend or repeal this act.

SEC. 17. This act shall take effect and be force from and after its passage.

Approved, March 12, 1947.

[No. 40.]

AN ACT to amend an act entitled "an act relative to Free Schools in the City of Detroit," approved February seventeenth, one thousand eight hundred and forty-two.

Com. coun-
cil may levy
additional
tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in addition to the taxes mentioned in the act to which this act is amendatory, the common council of the city of Detroit is hereby authorized and empowered to levy and collect a tax not exceeding fifteen hundred dollars in any one year, to be expended in the purchase of lots in said city for the use of the public schools thereof, and in the erection and building a school house or school houses, with the necessary out buildings and fixtures, on any lot or lots which may be so purchased, or any other lots now owned by the board of education of said city, or which the said board may hereafter acquire: *Provided*, That said tax, when so levied and collected, shall be paid to the treasurer of said board of education, and be vested in said board to and for the purpose hereinbefore stated, and no other, and also that the title to such lots purchased shall also be vested in said board for the purposes aforesaid.

SEC. 2. Said tax shall not be levied or collected, unless, at a meeting of the freemen of said city, called for such purpose as hereinafter provided, a majority of the freemen present shall assent to the same.

Duty of
mayor, &c.

SEC. 3. It shall be the duty of the mayor, or recorder, in case of the absence of the mayor, or a vacancy in his office, to call such a meeting of the freemen of said city, for the purpose of giving their assent or dissent to such tax, when it shall be requested by petition signed by twenty-four freemen of said city; which call shall particularly express the object of such meeting, and shall be published in two of the daily newspapers, published in said city of Detroit, one week previous to such meeting: *Provided*, That the mayor may call such meeting upon the notice herein mentioned, without such petition at his own option.

Who may
call meeting
of freemen.

SEC. 4. If the said mayor or recorder shall refuse to call such meeting upon the presentation to either of them of such petition, or shall neglect to do so for three days after the presentation of such petition, any two members of the common council of said city,

may, on the like petition, call such meeting upon a like notice and publication thereof, in the manner and for the time hereinbefore specified in the case of a call by the mayor or recorder. Such meeting may be adjourned from time by vote of a majority of those present.

SEC. 5. The said tax shall be levied and collected in the same manner as the tax provided for in the thirteenth section of the act to which this act is amendatory, and shall be consolidated therewith on the tax rolls; but it shall be the duty of said board of education in each and every year when such tax is levied and collected to separate the amount thereof from the gross amount of money received by said board for such year, and set it apart as a fund to be reserved for the purposes specified in the first section of this act.

Taxes, how levied and collected,

SEC. 6. The board of education of the city of Detroit is hereby authorized from time to time, on such term or terms of payment as they may deem proper, to borrow a sum of money not exceeding in all the sum of five thousand dollars, for the purposes specified in the first section of this act, at a rate of interest not exceeding seven per cent. per annum, payable semi-annually, and to issue the bonds of said board in such form, and executed in such manner as said board may direct: *Provided*, That said board shall issue no bond for a less sum than fifty dollars: *And provided*, That no such sum of money shall be borrowed until authorized by a majority of all the voters present at a meeting to be called as provided in section three.

Board of education authorized to make a loan.

SEC. 7. The bonds issued under this act shall be a charge upon all the property of said board, which shall constitute a security for the payment thereof: *Provided*, That no legal proceedings shall be instituted to enforce such lien or to sell any property of said board for the payment of the principal money of any of said bonds until one year after such principal shall become due, according to the tenor and effect thereof.

Bonds a lien on property of board.

SEC. 8. It shall be the duty of the board of education, whenever they shall borrow any money under the provisions of this act, annually to appropriate a sufficient sum out of any money which may come into their hands, to pay the interest upon the same; and also in addition thereto, an annual sum equal to five per cent. upon the

Interest, how paid.

amount so borrowed to be invested under the direction of said board in bonds of the city of Detroit, bearing interest at such prices as the same can be purchased, to accumulate as a sinking fund for the payment of the principal of the sum so borrowed; both of which appropriations shall take precedence of all others.

Approved March 12, 1847.

[No. 41.]

AN ACT to provide for laying out a certain Road in the county of Macomb.

To lay out
certain road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be laid out and established, a road in the county of Macomb, and state of Michigan, on the most eligible route, commencing at the turn of the road between St. Furton and Antoine Laducer, in the township of Erin, in the county aforesaid; thence in a south westerly course to the house of Frances Laforge, and thence across a marsh to Antoine Grifford, and thence to a point where Jefferson avenue is constructed in said township of Erin.

SEC. 2. The expense of laying out said road shall in no way be chargeable to the state.

Commiss'rs.

SEC. 3. Richard Butler, Ignace Swey, of the county of Macomb, and George Morán, of the county of Wayne, are hereby appointed commissioners to lay out and establish said road, and are vested with full powers for said purpose.

Duty of com-
missioners.

SEC. 4. It shall be the duty of said commissioners to cause to be made a map of said road, with the courses and distances, which shall be certified by them, and recorded in the office of the township clerk of the township through which it shall run. The expense of surveying, laying out and establishing said road, shall be paid by the township of Erin.

Who entitl'd
to appraisal.

SEC. 5. The owners of lands through which said road may pass shall be entitled to an appraisal and assessment of damages, and to compensation therefor in the same manner in every respect as if such road was laid out by highway commissioners of the township in which the same may be.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 12, 1847.

[No. 42.]

AN ACT to authorize the Township of Bertrand in the County of Berrien to raise a sum of money for building a bridge therein.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the lawful voters of the township of Bertrand in the county of Berrien, be and they are hereby authorized and empowered, at their annual meeting to be holden on the first Monday of April next, to raise by a tax upon the taxable property of said township, a sum not exceeding fifteen hundred dollars, for the purpose of erecting a bridge across the Saint Joseph river in said township of Bertrand, which sum shall be levied, collected and applied in the same manner as other taxes raised for the erection of bridges.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1847.

[No. 43.]

AN ACT to amend an act entitled "an act to authorize William H. Cross and Seth C. Hanchett to erect a dam across the St. Joseph river in the county of St. Joseph," approved February seventeenth, one thousand eight hundred and forty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section one of the act entitled "an act to authorize William H. Cross and Seth C. Hanchet to erect a dam across the St. Joseph river in the county of St. Joseph," approved February seventeenth, one thousand eight hundred and forty-six, be amended by striking out of the first section of said act all after the word "provided," where it occurs the first time and inserting in lieu thereof as follows, to wit: "That said dam shall be so constructed as not to impede or obstruct the navigation of said

stream, or injure its use as a common highway, or prevent the passage of fish up and down the same.

SEC. 5. This act shall take effect from and after its passage.

Approved March 12, 1847.

[No. 44.]

AN ACT for the relief of Priscilla Eddy, widow of the late Samuel Eddy, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all the right, title and interest which the people of this State have or may claim, in or to any lands or real estate of which Samuel Eddy, late of the city of Monroe in said State, deceased, died siezed or possessed, or to which he had any equitable or other right, and which may have come to the people of this state by escheat, be and it is hereby released, transferred and set over to Priscilla Eddy, widow of the said Samuel Eddy, deceased, and to her heirs and assigns forever; subject, however, to the payment of any subsisting debts due from the estate of said Samuel Eddy, deceased.

SEC. 7. This act shall take effect from and after its passage.

Approved March 12, 1847.

[No. 45.]

AN ACT for the Relief of Henry Willis.

Preamble.

Whereas, Henry Willis did, at a public sale, held at Marshall, in the county of Calhoun, on the twenty-seventh day of September, A. D. 1842, purchase blocks number fifteen, eighteen, nineteen, twenty, twenty-two, twenty-three and twenty-seven, in east Battle Creek village;

And whereas, Said Willis has made an affidavit that the superintendent of public instruction at said sale, agreed to make him a certificate for each block separately, and at the request of said superintendent, owing to the press of business, he took one certificate for the whole number of blocks, expecting to obtain separate certificates when demanded;

And whereas, Said Willis has applied to the commissioner of the land office for separate certificates, which have been refused ; therefore

Resolved, by the Senate and House of Representatives of the State of Michigan, That the commissioner of the land office be and is hereby required, upon the delivery of the certificate, now held by Henry Willis, of Battle Creek, Calhoun county, for blocks number fifteen, eighteen, nineteen, twenty, twenty-two, twenty-three and twenty-seven, in the village of east Battle Creek, to issue to said Willis, certificates for each of said blocks: *Provided*, That the commissioner of the land office shall be satisfied that the university fund will not be injured thereby: *And provided, further*, That the facts set forth in the above preamble, are proved to the satisfaction of said commissioner, and that the payment of the price for such lot shall be secured to the satisfaction of said commissioner, and that the rights of no other person be affected by the issue of new certificates.

Com'r of
land office
to issue cer-
tificate.

Approved March 15, 1847.

[No. 46.]

AN ACT to provide for the preservation of the laws of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the secretary of state be, and he is hereby required, to cause to be arranged and bound in a substantial manner, all acts and joint resolutions of the several legislatures of this state which become laws under the constitution, so far as the same may be on file in his office.

Sec of state
to cause
books to be
bound.

SEC. 2. Hereafter, at the close of each session of the legislature, ^{1b.} the secretary of state shall cause to be bound in like manner, the enrolled acts and joint resolutions of the legislature which shall become laws under the constitution of this state, and shall certify, under his hand and the seal of the state, on the frontispiece of the volume, that said volume contains the whole of the original acts and joint resolutions, as enrolled by the clerks, signed by the presiding officers of the Senate and House of Representatives, and approved

by the Governor, or which may have become laws under the constitution of this state, without his signature or approval.

Acts, &c. to
be kept in
sec of state's
office.

SEC. 3. The acts and joint resolutions, when bound and certified as specified in this act, shall be kept in the office of the secretary of state, and no further record thereof shall be required to be kept. The expenses of arranging and binding the laws as specified in the preceding sections of this act, shall be paid by the treasurer of the state, out of any moneys in the treasury not otherwise appropriated, on the certificate of the secretary of state.

SEC. 4. So much of section one of chapter one of the revised statutes of one thousand eight hundred and forty-six, as makes it the duty of the secretary of state to record the original acts of the legislature in books to be provided by him for that purpose, be and the same is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 15, 1847.

[No 47.]

AN ACT to authorize the Governor to convey certain Real Estate therein mentioned.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor of the state is hereby authorized to convey to Sheldon Thompson, or his legal assigns, the following described and designated parcel of land, lying and being in the county of Oakland, in this state, to wit: The south east quarter of section number twenty-seven, in township number one, north of range number nine east; also the east half of the south west quarter of section number twenty-seven, in the same township and range; also the east half of the north east quarter of section number twenty-four, in the same township and range: *Provided*, He be satisfied, upon investigation, that the equitable title and interest in and to said lands belong to said Sheldon Thompson, or his assigns; such conveyance, if made to said Thompson, to enure to such persons respectively, as may have title thereto derived from said Sheldon Thompson.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1847.

[No. 48.]

AN ACT to repeal the Charter of the Oakland County Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to incorporate the Oakland county bank," approved April twenty-eight, A. D. one thousand eight hundred and thirty-six, and all acts amendatory thereto, be, and the same are hereby repealed: *Provided, however*, That nothing in this act contained, shall prohibit said bank from winding up its affairs; and two years from the first day of January next is allowed said bank for that purpose: *And provided also*, That the claims of any person or persons against the stockholders of said bank, or upon the assets of said bank, shall not be affected by the repeal of the acts herein before mentioned.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1847.

[No. 49.]

AN ACT to continue in force "an act to authorize the appointment of Commissioners to take the Acknowledgment of Deeds and Instruments of Writing under Seal out of the State."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to authorize the appointment of commissioners to take the acknowledgment of deeds and instruments of writing under seal out of the state," approved March nineteenth, one thousand eight hundred and forty-five, be and the same is hereby revived and continued in full force and effect, any law to the contrary notwithstanding; and the several commissions issued under said law be revived and continued in force, and the official acts of such commissioners shall be as good and valid as if the act aforesaid had not been repealed.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1847.

[No. 50.]

AN ACT relative to the amount due the University Fund from the County of Lenawee.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan,* That the time for the payment of the sum of thirteen thousand dollars due from the county of Lenawee to the university fund of this state, be and the same is hereby extended so that the same shall be payable in six equal annual instalments, as near as may be, from the first day of September next, with interest annually on the whole sum unpaid: *Provided,* That the interest due upon such principal sum be first paid, and new bonds be given for the payment of the said principal sum and annual interest as above provided. And the commissioner of the state land office is hereby instructed to receive new bonds for such payment, to be given by the supervisors of the county of Lenawee, in the usual form, and on the receipt of such new bonds, to deliver up the bonds heretofore given for the payment of said principal sum by the board of commissioners or supervisors of said county of Lenawee.

Approved March 15, 1847.

[No. 51.]

AN ACT further to provide for the payment of the Officers and Members of the Legislature, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be and is hereby appropriated out of any moneys in the state treasury, a sum sufficient for the payment of members and officers of the legislature for the present year, and for defraying the incidental expenses thereof.

Sec. 2. The state treasurer is hereby authorized and directed, out of the appropriation aforesaid, to pay the members, officers,

firemen and messengers of either house, respectively, at the rates per diem, and for mileage, and upon certificates drawn in the same form, and certified in the manner provided in the act entitled "an act to provide for the payment of members and officers of the legislature," approved January fifteenth, one thousand eight hundred and forty-seven.

SEC. 3. All acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 15, 1847.

[No. 52.]

AN ACT to incorporate the Village of Hillsdale.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of the township of Fayette, in the county of Hillsdale, as is included in the following boundaries and descriptions, to wit: The north west quarter and north half of the south west quarter of section twenty-six; the east half of the north east quarter; the east half of the west half of the north east quarter, and north east quarter of the south east quarter of section twenty-seven; the east half of the south east quarter of the south east quarter of section twenty-two, and so much of the west half of the south west quarter of section twenty-three, as is embraced in any recorded plat of the village of Hillsdale, or any additions to any such plat shall be, and the same is hereby constituted a town corporate, by the name and title of the "village of Hillsdale." Incorporat'n

SEC. 2. The elective officers for said village shall be five trustees, one assessor and a president, being qualified electors, and residing in any part of said village, who shall hold their offices until the next annual meeting succeeding their election respectively, and until their successors are elected and qualified. The appointed officers shall be one clerk, one treasurer and one marshal; each of whom shall be appointed by the president and trustees, and shall hold their offices during the term of the president and trustees so Names of
elective off-
cers,

appointing them, unless sooner removed by the president and trustees of said village.

Time of holding meeting.

SEC. 3. The first meeting of the electors of said village, for the purpose of electing officers for said village, shall be on the second Monday of April, 1847, at such place in said village as shall be directed by the justice of the peace of the town of Fayette, residing within or nearest to the boundaries of said village; a notice of which place shall be given by such justice, by posting up written notices thereof in three public places within the boundaries of said village, at least ten days prior to the second Monday of April; which justice, in connection with three such other persons, qualified electors of said village, as he shall select, shall constitute the board of inspectors for such first election, each of whom, before entering upon such duties shall have administered to him by one of such inspectors, the oath prescribed for inspectors in cases of township elections, the said justice acting as the moderator.

Ib.

SEC. 4. All subsequent meetings for the election of officers shall be held on the first Monday of March in each and every year after such first election, at such place in the said village as the president and trustees shall designate by a written notice, signed by them and posted up in three public places in said village, at least ten days before such meeting, the said president and trustees, or any two of them being the inspectors; at which meeting an entire set of officers shall be elected for the year ensuing.

Who to fill vacancies.

SEC. 5. All vacancies which shall occur in any of the elective offices, shall be filled by such persons as the residue of the board shall see fit to appoint.

Who constituted electors.

SEC. 6. Inhabitants of said village, having the qualification of electors, under the constitution of the state of Michigan, shall constitute the electors of said village, and shall meet at the times and places above provided, and then and there proceed by a plurality of votes, to elect by ballot the officers aforesaid.

Elections, how conducted, &c.

SEC. 7. The election shall be held at such hours in the day, and be conducted, determined, and the result made known and perpetuated in the same manner, (as near as applicable,) as provided in the laws of this state for the regulation of township elections.

SEC. 8. It shall be the duty of each officer, elected as well as ap-

pointed, within ten days after receiving notice of his election or appointment, to take an oath or affirmation before any justice of the peace for said county of Hillsdale, to support the constitution of the United States and of this state, and faithfully and impartially to execute and discharge the duties of his said office, a certificate of which shall be filed with the clerk of said village.

Officers elected to take oath.

SEC. 9. It shall be the duty of the president to preside at all the meetings of the board of trustees, and it shall be the duty of the clerk to attend all such meetings, and keep a fair and accurate record of their proceedings.

Duty of president.

SEC. 10. The president and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and designated by the name and title of the "president and trustees of the village of Hillsdale," and by that name they and their successors shall be known in law, and shall be, and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered, and of defending and being defended, in all the courts of this state, and may have a common seal, and may alter and change the same at pleasure, and by the same name shall be, and are hereby made capable of holding, of any real or personal estate, for the use of said corporation.

Who to be body corporate.

SEC. 11. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets and highways.

SEC. 12. The treasurer and marshal shall respectively, before entering upon the duties of their respective offices, give such security for the faithful discharge of the duties of their respective trusts, as the president and trustees require.

To give security.

SEC. 13. The president and trustees shall have full power and authority to make by-laws and ordinances relative to the duties, powers and fees of the marshal, street commissioners, treasurer, clerk and assessors; relative to the time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village, and applying the same, as well as the amount of taxes to be raised: *Provided*, That there shall not be raised in any one year,

Power of president & trustees,

amount so borrowed to be invested under the direction of said board in bonds of the city of Detroit, bearing interest at such prices as the same can be purchased, to accumulate as a sinking fund for the payment of the principal of the sum so borrowed; both of which appropriations shall take precedence of all others.

Approved March 12, 1847.

[No. 41.]

AN ACT to provide for laying out a certain Road in the county of Macomb.

To lay out
certain road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be laid out and established, a road in the county of Macomb, and state of Michigan, on the most eligible route, commencing at the turn of the road between St. Furton and Antoine Laducer, in the township of Erin, in the county aforesaid; thence in a south westerly course to the house of Frances Laforge, and thence across a marsh to Antoine Grifford, and thence to a point where Jefferson avenue is constructed in said township of Erin.

SEC. 2. The expense of laying out said road shall in no way be chargeable to the state.

Commiss'rs.

SEC. 3. Richard Butler, Ignace Sway, of the county of Macomb, and George Morán, of the county of Wayne, are hereby appointed commissioners to lay out and establish said road, and are vested with full powers for said purpose.

Duty of com-
missioners.

SEC. 4. It shall be the duty of said commissioners to cause to be made a map of said road, with the courses and distances, which shall be certified by them, and recorded in the office of the township clerk of the township through which it shall run. The expense of surveying, laying out and establishing said road, shall be paid by the township of Erin.

Who entitl'd
to appraisal.

SEC. 5. The owners of lands through which said road may pass shall be entitled to an appraisal and assessment of damages, and to compensation therefor in the same manner in every respect as if such road was laid out by highway commissioners of the township in which the same may be.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 12, 1847.

[No. 42.]

AN ACT to authorize the Township of Bertrand in the County of Berrien to raise a sum of money for building a bridge therein.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the lawful voters of the township of Bertrand in the county of Berrien, be and they are hereby authorized and empowered, at their annual meeting to be holden on the first Monday of April next, to raise by a tax upon the taxable property of said township, a sum not exceeding fifteen hundred dollars, for the purpose of erecting a bridge across the Saint Joseph river in said township of Bertrand, which sum shall be levied, collected and applied in the same manner as other taxes raised for the erection of bridges.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1847.

[No. 43.]

AN ACT to amend an act entitled "an act to authorize William H. Cross and Seth C. Hanchett to erect a dam across the St. Joseph river in the county of St. Joseph," approved February seventeenth, one thousand eight hundred and forty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section one of the act entitled "an act to authorize William H. Cross and Seth C. Hanchet to erect a dam across the St. Joseph river in the county of St. Joseph," approved February seventeenth, one thousand eight hundred and forty-six, be amended by striking out of the first section of said act all after the word "provided," where it occurs the first time and inserting in lieu thereof as follows, to wit: "That said dam shall be so constructed as not to impede or obstruct the navigation of said

provided also, That any tax so levied may be paid at any time before a sale of property, and any land be redeemed after sale, at any time within one year from the time of making such sale, by any person claiming an interest therein, by paying to the treasurer of the village the amount of the tax so assessed thereon, (in case of payment before sale,) and in case of redemption after sale, the amount for which the land was bid off, with all costs and expenses and interest thereon.

Deeds executed considered valid

Sec. 20 The deeds, which under the provisions of this act and the by-laws made pursuant thereto, shall be made and executed to the purchaser of real estate so sold, and shall when legally given vest in them, their heirs and assigns for ever respectively, a valid title, fee simple, subject to any claim the state may have thereon; and such deed shall be prima facie evidence of the regularity of such sale, and of all proceedings prior thereto in relation to such tax; and any such deed executed by the person authorized as aforesaid, to make and execute the same, under his hand and seal, and proved or acknowledged as other deeds are directed by law to be, may be recorded in the office of the register of deeds of Hillsdale county, and the record thereof given in evidence as in other cases.

To proceed to assess.

Sec. 21. The assessors shall proceed in making the assessments and giving notice thereof, in the manner the by-laws of the common council shall direct: *Provided*, That any person feeling aggrieved by the final decision of the assessors, may have the privilege to appeal to the president and trustees at any time within five days thereafter, who are invested with the power to do in the premises as they shall think just and right.

Duty of president and trustees.

Sec. 22. It shall be the duty of the president and trustees to make out a duplicate of taxes, charging each individual therein, an amount of tax in proportion to the amount of real and personal property assessed to him within said village; and also charging all lands in said village owned by non-residents with the rateable amount of tax, which duplicate shall be signed by the president and clerk, and delivered to the marshal, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct.

Sec. 23. The president and trustees shall have power to appoint

one or more street commissioners or other officers, to superintend and direct the making, paving, repairing and opening and keeping clear of all streets, lanes, alleys, side-walks, highways or bridges within the limits of such corporation, in such manner as may be directed by the said president and trustees. The expenses of grading streets shall be assessed equally on all the taxable property of said village; but the expenses for side walks, upon the premises adjoining such walks only.

SEC. 24. All moneys to be raised by tax in said village shall be collected by the marshal, and paid over by him to the treasurer of said village, and drawn out upon the order of the president and clerk, under the direction of the president and trustees. By whom moneys collected.

SEC. 25. The president and trustees shall have authority to organize fire companies, and hose, hook and ladder companies, and provide them with the proper engines and instruments, under such regulations as the president and trustees shall direct; and the common council shall make such by-laws for the regulation of such companies as they shall think best adapted to their efficiency; and the members of any such company, legally formed, shall, during their continuance as such, be exempt from serving on juries, and working a poll tax on the highways in said village. Authority to organize fire companies.

SEC. 26. The compensation of no officer shall exceed twenty-five dollars per annum.

SEC. 27. Any justice of the peace of the town of Fayette is hereby authorized and empowered, to enquire of, hear, try and determine in a summary manner, all offences which shall be committed within said village against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said president and trustees, in pursuance of the power granted them in this act, and punish the offender or offenders as by the [said] by-laws, ordinances and regulations shall be prescribed: Provided always, That any person charged with any such offence, shall have the right of a trial by jury. Justices empowered to try causes, &c.

SEC. 28. This act shall take effect and be in force from and after the expiration of ten days from its passage, and shall be deemed a public act.

Approved March 16, 1847.

[No. 53.]

AN ACT to extend the time for the collection of certain Taxes in the Township of Norton in the County of Ottawa.

New tax roll
may be
made.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supervisor of the township of Norton in the county of Ottawa, be and he is hereby authorized and empowered to make out a new assessment roll and tax list, for taxes of the year eighteen hundred and forty-six, in said township, on or before the fifteenth of April next.

Notice to
treasurer.

SEC. 2. The township treasurer shall be notified by the supervisor, within six days thereafter, that said tax list is ready, and of the amount of state and county tax assessed therein, and upon his giving bonds, as required by law in other cases for the collection and return of taxes, the supervisor shall deliver to said treasurer the assessment roll and tax list, with a warrant commanding him to collect, account for and pay over the taxes in said list, as is provided by law, except as to time, which shall be on or before the fifteenth day of May next.

When re-
turns may
be made to
aud. gen'l.

SEC. 3. A transcript of the unpaid taxes returned to the county treasurer by the treasurer of said township of Norton, may be forwarded to the auditor general at any time on or before the first day of June next, and the same shall be collected and interest computed as is provided by law for other delinquent taxes of eighteen hundred and forty-six.

Liable for
certain int't

SEC. 4. The township of Norton shall be liable to the county of Ottawa for interest on the state and county tax, from the first day of February last until the return of taxes and moneys to the county treasurer, under the provisions of this act.

SEC. 5. The taxes in said township of Norton shall be collected, returned and proceeded with in all respects as other taxes for eighteen hundred and forty-six, except as otherwise provided in this act.

SEC. 6. This act shall take effect from and after its passage.

Approved March 16, 1847.

[No. 54.]

AN ACT to incorporate the Pioneer Smelting Company of the Upper Peninsula of Michigan.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Mortimer Livingston, Samuel Ward, John F. Butterworth, Fulton Cutting, Henry Ledyard, Israel Coe and J. N. Elbert, are hereby constituted a body corporate, by the name of the "Pioneer Smelting Company," for the purpose of mining, smelting and manufacturing iron, copper, and other metals, (excepting precious metals) in the Upper Peninsula of Michigan, in all the varieties of manufactures of which said metals are capable of being wrought, and to have and exercise all the powers necessary for the same. Names of
corporators.

SEC. 2. The said corporation shall have succession, and its capital stock shall be two hundred thousand dollars, in shares of fifty dollars each, and may hold and convey such real and personal estate in the Upper Peninsula of Michigan, as the business aforesaid may require, not exceeding the capital stock of said company. The said company may commence business under this act when ten thousand dollars have been subscribed and paid in. Capital stock

SEC. 3. All the property, real and personal, of said company, shall be taxable and assessed to the company or to the occupants, as the law requires. May be tax'd

SEC. 4. The legislature may at any time alter, amend or repeal this act by a vote of two thirds of each branch of the legislature, for any violation of the provisions of the charter.

SEC. 5. The inhabitants of this state shall have a lien upon the stock and appurtenances, and upon the property of said company, for all dues and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said company. Lien upon
the stock, &c

Approved March 16, 1847.

[No. 55.]

AN ACT to authorize the Supervisors of the County of Ionia to expend Certain Moneys.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisors of the county of Ionia are hereby authorized to expend an appropriation of moneys raised by said county for the purpose of repairing a bridge at Lyons, in said county, (and which now remains unexpended,) in such a manner as said supervisors may deem best for the interest of said county.

SEC. 2. This act shall be in force from and after its passage.

Approved March 16, 1847.

[No. 56.]

AN ACT to repeal the Charter of the Borough of Michilimackinac.

Act repealed

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act for incorporating the borough of Michilimackinac," adopted April sixth, eighteen hundred and seventeen, and all acts amendatory of the same, be and the same are hereby repealed.

Money, &c.
vested in
township.

SEC. 2. All money and other personal property, belonging to the said borough as a corporation, shall vest in and be the property of the township of Holmes, and the said township shall have full authority to collect and take possession of said money and other property, and use and expend the same for the purposes for which the said borough authorities raised the same; and if not raised or granted for any other specific purpose, the same shall be used or expended for purposes of education.

Penalty for
not paying
over money,
&c.

SEC. 3. If the treasurer of said borough of Michilimackinac shall not pay over to the treasurer of the township of Holmes, the money and other property aforesaid, on lawful demand, he shall incur a penalty of fifty dollars, and shall be liable to be proceeded against in the same manner as other persons holding money in a fiduciary capacity.

SEC. 4. The real estate of said borough shall belong to the town-

ship of Holmes, and shall remain a trust estate for the purposes for which it was acquired.

Sec. 5. This act shall take effect the first day of April next.

Approved March 16, 1847.

[No. 57.]

AN ACT making appropriations for Stationery for Members of the House of Representatives.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there is hereby appropriated out of any money in the treasury to the credit of the general fund, a sum not exceeding one hundred and ninety-eight dollars for the payment of stationery furnished the members of the House of Representatives.

SEC. 2. Out of the appropriation aforesaid, the state treasurer is hereby authorized and directed to pay to Ebenezer C. Eaton, Sylvester Walker, and Evert B. Dyckman, committee on supplies and expenditures of the House of Representatives, the sum of one hundred and ninety-eight dollars, for stationery for members of said House, at the rate of three dollars for each member.

SEC. 3. This act shall take effect from and after its passage.

Approved March 16, 1847.

[No. 58.]

AN ACT to authorize Prosper Bunyea to keep up a dam across the Huron River, in the county of Oakland.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Prosper Bunyea, his heirs and assigns be, and they are hereby authorized and empowered to keep up and maintain the dam across the Huron river, in the township of White Lake, in the county of Oakland, heretofore constructed by him, on section twenty-seven, in said township: *Provided,* The said dam shall not be made to exceed the present length thereof, and that the said Prosper Bunyea shall construct in said dam a good and sufficient gate or sluice in such manner as to

Power to keep up a dam.

allow the free passage of fish up and down said stream: *And provided further*, That the said Prosper Bnyea, his heirs and assigns, shall construct and maintain in said dam, a good and sufficient lock, for the safe passage of boats, rafts and other water craft, and other purposes, whenever the [county court for said] county of Oakland shall, upon good cause shown, order the same to be done.

SEC. 2. The legislature may at any time alter, amend or repeal this act.

SEC. 4. This act shall take effect from and after its passage.

Approved March 16, 1847.

[No. 59.]

AN ACT to provide for the payment of Damages for the Right of Way through the Public Lands of this State which have been purchased but not fully paid for.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in all cases where damages shall be agreed upon between the Michigan Central Rail Road Company, or the Michigan Southern Rail Road Company, and any purchaser of any of the public lands of this state, through which the Central or Southern rail roads are, or shall be constructed, and who has not fully paid for the same; or in cases of assessment of damages in favor of any such purchaser, according to the provisions of law, or of the several acts incorporating said companies respectively, the agents of either of said companies shall pay the amount of said damages so agreed upon or assessed, with interest on such assessment from the respective times when the said company come into possession of said roads, or from the date of such agreement as is above specified, to the commissioner of the state land office, to be by him applied to the credit of the purchaser of the land so damaged, on account of principal unpaid; and when so paid, the right of way shall vest in the company paying the same, as provided in their charter in regard to other cases.

When damages assessed to be paid to com'r land office.

Com'r to cr. the same.

SEC. 2. The said commissioner shall thereupon issue to the said agents, a certificate of the payment aforesaid, and which shall describe the land on account of which such damages were paid; and

no further damages for right of way shall be chargeble upon said land, on account of the subsequent forfeiture and resale thereof to the same or any other purchaser.

Sec. 3. The provisions of this act shall not be construed as applicable to cases of sales of said lands through which the right of way for the purposes of construction and operation of any rail road, has been by law heretofore expressly reserved to the state. Not to apply to cases wh'n right of way is reserved to state.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 16, 1847.

[No. 60.]

AN ACT to locate the Capitol pursuant to section nine of article twelve of the Constitution of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the seat of government of this state shall be in the township of Lansing, in the county of Ingham.

Approved March 16, 1847.

[No. 61.]

AN ACT authorizing Allen A. Rabineau to build a dam across the Raisin River, in the County of Monroe.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Allen A Rabineau, his heirs and assigns, are hereby authorized and empowered to build a dam across the Raisin river, upon the following described lands, to wit: The west half of the north west quarter, and the east half of the north west fractional quarter, and the north fraction of the north west quarter of section number nineteen, in township number six south, in range number seven east, in the county of Monroe: *Provided,* That a convenient lock of sufficient dimensions shall therein or therewith be constructed and kept in repair for the passage of boats, arks, rafts and other water craft navigating the said river:— *And provided further,* That said water craft shall be suffered to pass free from toll of any kind during the continuance of said dam:— May build dam.

And provided also, That said dam shall not be so made as to prevent the passage of fish up or down said stream.

Lock to be kept in repair.

SEC. 2. It shall be the duty of the owner or owners of said dam, at all times, to keep said lock in repair, and to pass any water craft which can be admitted therein, through the same, free of toll, and without unnecessary delay ; and any person who shall be unnecessarily detained, shall be entitled to recover of the said owners double the amount for the damages which he shall prove that he has sustained by such detention, before any court of competent jurisdiction.

Penalty for wilful injury to dam, &c.

SEC. 3. Any person who shall destroy, or in any wise injure said lock or dam, shall be deemed to have committed a trespass upon the owners thereof, and be liable accordingly ; and any person who shall wilfully and maliciously destroy or injure the said lock or dam shall be deemed guilty of a misdemeanor, and on conviction thereof, be punished by fine or imprisonment, in the discretion of the court.

Water may be taken for int. imp.

SEC. 4. If, at any time hereafter, the waters should be required to be drawn from said river for the purposes of internal improvement or navigation, it shall not be lawful for the said Allen A. Rabineau, or any person or persons owning or interested in said dam to claim or recover any damages therefor.

Not to flow lands of others.

SEC. 5. Nothing herein contained shall be construed to authorize the said Allen A. Rabineau, his heirs or assigns, to enter upon or flow the lands of any other person or persons, without the consent of such person or persons ; and the legislature may at any time hereafter, alter, amend or repeal this act.

Approved March 16, 1847.

[No. 62.]

AN ACT to provide for the improvement of the Detroit and Saginaw Turnpike, between Flint and Saginaw.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the board of supervisors of the county of Saginaw are hereby authorized, in their discretion, to expend a sum not exceeding two thousand dollars of any money in

the treasury of said county not otherwise appropriated; in improving the Detroit and Saginaw turnpike within the county of Saginaw.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1847.

[No. 63.]

AN ACT to amend the revised statutes of eighteen hundred and forty-six, in relation to the Assignment of Dower.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That in any suit hereafter to be commenced by any widow for the recovery of dower in lands which were aliened by her husband in his life time, and where dower cannot be assigned therein by metes and bounds without injustice or manifest injury to the widow, or to the owner or owners, or person or persons in possession thereof, or some one of them, the court having cognizance of the matter may award and adjudge a sum of money in lieu of dower to be paid to the widow, or may assign to her, as tenant in common, a just proportion of the rents, issues and profits of said lands, regard being had in all cases to the true value of the lands at the time of such alienation by the husband, and of the probable duration of the life of the doweress, at the time such sum of money shall be adjudged, or such rents, issues and profits shall be assigned to her. Assignment of dower.

SEC. 2. Where dower in any lands may be claimed by two or more widows, the one whose husband was first seized therein shall be first entitled thereto; and in all cases where dower in any land shall have been assigned, or where it shall appear that the owner or owners, or person or persons having an interest therein, shall have made full satisfaction to, and has obtained a discharge from the person recovering or having a prior right to dower therein, by reason of the prior seizen of her husband, the said land shall not be subject to any other claim for dower during the life time of the person so recovering, or who has received satisfaction and given a discharge as aforesaid, Who first entitled to dower.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1847.

[No. 64.]

AN ACT to organize certain Townships in the Counties of Marquette, Houghton, Schoolcraft and Ontonagon.

Town of
Copper Har-
bor organiz-
ed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That all that part of the county of Houghton designated as all that part of Kewanaw Point, east of the line between ranges twenty-nine and thirty west, and in townships fifty-seven, fifty-eight and fifty-nine north, and the islands adjacent thereto, including Manitou Island, be and the same is hereby set off and organized into a separate township by the name of Copper Harbor; and the first township meeting shall be held at the house of D. D. Brockway, in said township.

Eagle Har-
bor.

SEC. 2. That all that part of the county of Houghton embraced in townships fifty-seven, fifty-eight and fifty-nine, north of range thirty west, and the east half of townships fifty-seven and fifty-eight north of range thirty-one west, be and the same is hereby set off and organized into a separate township by the name of Eagle Harbor, and the first township meeting to be held at the house of Hiram Joy, in said township.

Houghton.

SEC. 3. That all that part of the county of Houghton embraced within the west half of townships fifty-seven and fifty-eight, north of range thirty-one west, and townships fifty-seven and fifty-eight, north of range thirty-two and thirty-three west, be and the same is hereby set off and organized into a separate township by the name of Houghton, and the first township meeting shall be held at the house of Martin Coryall, in said township.

Portage.

SEC. 4. That all that part of the county of Houghton embraced within townships fifty-three, fifty-four, fifty-five and fifty-six, north of range thirty, thirty-one, thirty-two, thirty-three and thirty-four west, and including Traverse Island, and excepting that part of Point Abbye embraced in townships fifty-three north of range thirty and thirty-one west, be and the same is hereby set off and organized into a separate township by the name of Portage, and the first town-

ship meeting to be held at the House of R. Williamson, in said township.

SEC. 5. That all that part of the county of Houghton embraced within townships fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five and fifty-six north of range thirty-five, thirty-six and thirty-seven west, be and the same is hereby set off and organized into a separate township, by the name of Algonquin, and the first township meeting to be held at the house of the Algonquin mining company in said township.

SEC. 6. That all that part of the county of Houghton embraced within townships fifty, fifty-one and fifty-two north of ranges twenty-six, twenty-seven and twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three and thirty-four west, and that part of Point Abbaye embraced in townships fifty-three north of ranges thirty and thirty-one west, including the islands adjacent thereto, be and the same is hereby set off and organized into a separate township, by the name of L'Ance, and the first township meeting shall be held at the house of Mr. Knapp, in said township.

SEC. 7. All that part of the county of Ontonagon lying east of the line between ranges forty and forty-one west, be and the same is hereby set off and organized into a separate township by the name of Ontonagon, and the first township meeting shall be held at the house of Mr. Cash in said township.

SEC. 8. All that part of the county of Ontonagon lying west of the line running between ranges forty and forty-one west, be and the same are hereby set off and organized into a separate township by the name of Pe-wa-bee, and the first township meeting shall be held at the house of Thomas Palmer in said township.

SEC. 9. All that part of the state of Michigan known as the county of Marquette, be and the same is hereby set off and organized into a separate township by the name of Marquette, and the first township meeting shall be held at the house of Lucius A. Thayer, in said township.

SEC. 10. All that part of the state of Michigan known as Isle Royal, and the islands adjacent thereto, in Lake Superior, be and the same is hereby set off and organized into a separate township by the name of Isle Royal, and the first township meeting shall be

held at the house of Joseph Peity, in said township, and said township shall be and is hereby attached to and shall constitute part of the county of Houghton.

Grand Island SEC. 11. That all that part of the state of Michigan known as the county of Schoolcraft, be and the same is hereby set off and organized into a separate township by the name of Grand Island, and the first township meeting shall be held at the house of John W. Williams, in said township.

St. Mary, what included in. SEC. 12. The township of St. Mary in the county of Chippewa, shall include the entire territory of said county of Chippewa.

When township meeting shall be held &c, SEC. 13. The first township meetings for the election of township officers in the aforesaid townships shall be held on the first Tuesday in June next ensuing at the several places designated. That the time for making out the assessment roll in the townships aforesaid, for the year A. D. 1847, be and the same is hereby extended to the first Monday of July next, and that the time for assessing the highway labor in said townships be and the same is hereby extended to the first Monday in August next; the assessors shall meet on the Saturday next preceding the first Monday of July next, for the purpose of reviewing and completing their assessment, and all the proceedings relative to the assessment, collection and return of taxes in said townships shall conform to the revised statutes, so far as the same are not inconsistent with the extension of time above provided.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved March 16, 1847.

[No. 65.]

AN ACT to provide for the Removal of the Seat of Government of this State, and for other purposes.

Act to locate capitol, when to take effect SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act entitled "an act to locate the capitol, pursuant to section nine of article twelve of the constitution of this state," providing that the seat of government shall be in the township of Lansing, in the county of Ingham, shall

take effect and be in force from and after the twenty-fifth day of December, in the year one thousand eight hundred and forty-seven.

SEC. 2. That as soon as practicable after the passage of this act, ^{Gov. to appoint com'rs to select site for capitol.} the governor shall appoint three commissioners, one of whom shall be denominated the "acting commissioner," neither of whom shall be interested in any lands, nor residents of the counties of Ingham, Eaton, Ionia or Clinton, who shall, within one month from the time of their appointment, proceed to the said township of Lansing, in said county of Ingham, and select and designate a suitable and eligible site in said township, containing not less than twenty acres of land, on which to erect the capitol and other state buildings, and procure the same to be conveyed from the owner or owners thereof to the state, by good and sufficient deed or deeds of conveyance, so as to vest the title thereof in the state, free and clear of all incumbrances whatever, and cause the same to be recorded in the register's office of the said county of Ingham. Said commissioners shall, before they enter upon their duties required by this act, take and subscribe respectively, before some officer authorized to administer oaths, and file in the office of the secretary of state, the ^{Oath of com'rs.} following oath: "I do solemnly swear, that I am neither directly or indirectly interested, nor will I become so during the continuance of my office, in any lands in the counties of Ingham, Eaton, Ionia or Clinton, or in any profits or speculations to be made or to accrue, growing out of or connected with the location of the capitol of this state, or the selection of a site upon which to erect the state bulidings, and that I will faithfully and impartially, according to the best of my skill and ability, select said site in such place as will best promote the interest of this state," or said commissioners may, in ^{May locate capitol on school section.} their discretion, locate the same on the school section in said township.

SEC. 3. The said commissioners, before selecting said site, shall be, and they are hereby authorized to receive other and further proposals than those made to this legislature, from any person or ^{Com'rs to receive proposals.} persons offering any lands or other valuable means for the erection of temporary state buildings within said township of Lansing; and if they shall be of the opinion that any new proposals, so made, will be more advantageous to the state, they are hereby authorized and empowered to accept the same.

Gov. to fill
vacancy.

SEC. 4. In case either of said commissioners shall from any cause, fail or neglect to perform his duties as such commissioner, the governor shall immediately appoint another person with the same qualifications herein required, who shall take the oath and perform the duties of such commissioner.

Duty of ac-
ting com'r.

SEC. 5. It shall be the duty of said acting commissioner, after the selection of any such land as may be granted to the state for the location of the capitol, and the recording the deed therefor, to join in behalf of the state, with the proprietor or proprietors of any adjoining lands, in laying out and causing to be recorded a village plat, to be designated as the town of Michigan, and for that purpose he may include so much of any school section or other land belonging to the state as he may deem advisable.

To erect
temporary
buildings.

SEC. 6. It shall be the duty of the said acting commissioner to cause to be erected and completed by the said twenty-fifth day of December next ensuing, temporary state buildings for the use of the legislature and state officers, on or near said village plat as he shall deem most advisable, and in case the same shall not be so erected and completed at the expense of some other person or persons, the same shall be done at the expense of the state, by contract, to the lowest bidder, as far as practicable, and for that purpose there is hereby appropriated out of the state building fund, the sum of ten thousand dollars, to be expended by and under the direction and supervision of the acting commissioner.

Certain off-
ices required
to be moved
to seat of
government,
&c.

SEC. 7. The officers required by the eighth section of the twelfth article of the constitution of this state, to keep their offices at the seat of government, shall on or before the said twenty-fifth day of December next ensuing, remove their offices to the said town of Michigan, in the township of Lansing aforesaid, where they shall thereafter remain, and where the legislature of this state shall thereafter meet, and the sum of one thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expenses of removing the books, papers and furniture of the several offices and of the capitol, and the books, maps and archives of the state; and all necessary expenses attendant upon the removal of the said offices, books, papers and furniture, maps and archives, and all accounts for such expenses shall be audited by the auditor general and paid upon his warrant.

Sec. 8. The said commissioners appointed under this act, shall receive such compensation as may be agreed upon by the executive, ^{Compensation of commissioners, &c.} not exceeding three dollars per day for the time actually employed, and necessary travelling and other expenses, which shall be audited by the auditor general, and paid out of any moneys in the state treasury to the credit of the state building fund: *Provided*, That the acting commissiouer only shall receive compensation for services after the selection of the site for the said state buildings, and the laying out of the town plat; and the said commissioners shall make a full report of all their proceedings in the premises, embracing all the offers received by them, and their decision thereon, and report the same to the Governor for the use of the next legislature, nor shall either of the other commissioners after that time be required to perform any services under this act.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 16, 1847.

[No. 66.]

AN ACT to improve the Navigation of the St. Joseph River.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That seven thousand acres of internal improvement lands be, and they are hereby appropriated for the improvement of the navigation of the St. Joseph river, under the direction of the board of internal improvement.

Approved March 16, 1847.

[No. 67.]

AN ACT to provide for holding Special Elections in case of vacancy in the office of County Judge.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for the electors of any county in this state to hold a special election therein on the first Monday of April next, for the purpose of filling any vacancy in the office of county judge for said county, any law to the contra- ^{Time of holding election}

ry notwithstanding. Such election may be held when the county clerk shall give notice to the several township clerks of his county of such vacancy, five days before the annual township meeting, any law to the contrary notwithstanding.

Votes, how
canvassed &
certified.

SEC. 2. The votes cast at such election shall be canvassed, the result declared, certified and determined in the manner and under the restrictions and regulations provided by existing laws for holding special elections,

SEC. 3. This act shall take effect from and after its passage.

Approved March 16, 1847.

[No. 68.]

AN ACT to amend an act entitled "an act to incorporate the city of Monroe," approved March 22, 1837, and likewise amendatory of an act entitled "an act to amend the act entitled 'an act to incorporate the city of Monroe,'" approved April 6, 1838.

Assessor to
be appointed

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the common council of the city of Monroe shall be, and they are hereby authorized and empowered to appoint one assessor, who shall be an owner of real estate in fee simple in said city limits, other than ownership acquired from sales for taxes, who shall assess all the real estate within said city limits, for all the purposes contemplated in the second section of an act to amend an act entitled "an act to incorporate the city of Monroe," approved March twenty-second, eighteen hundred and thirty-seven, the amendatory act, approved April sixth, eighteen hundred and thirty-eight, and that all that part of the second section of said act providing for the election at a special meeting to be held for that purpose by the freemen of said city, of five commissioners, to be called "commissioners of the canal fund," be, and the same is hereby repealed.

Duty of as-
sessor.

SEC. 2. That said assessor to be so appointed by the common council as aforesaid, shall do and perform all the duties now devolving on the "commissioners of the canal fund," and shall be sworn in all things faithfully and impartially to discharge all the duties thereof, according to the true intent and meaning of the law.

SEC. 3. That so much of the second section of said act providing ^{Part of sec. 2 repealed.} for the appointment of a collector and treasurer of said "canal fund" by the commissioners of the canal fund, be, and the same is hereby repealed; and that the city collector and the city treasurer elected by the freemen of said city, at their annual election, on the first Monday in March, shall do and perform all the duties now devolving upon the collector and treasurer of the canal fund, and shall receive therefor such compensation as the common council shall allow and determine.

SEC. 4. That the assessments for all the taxes of every denomi- <sup>When assess-
ments shall
be made.</sup> nation to be raised during the year, shall be made by the assessor at the same time, and that the assessment roll for all taxes, including the canal tax, be delivered at the same time to the collector, and shall be made returnable at the same time. All sales for delinquent taxes shall be made at the same time and manner as now provided for the ordinary city and street taxes. The assessor, before the tax roll is delivered to the collector, shall place in separate columns on said roll the different taxes headed "general city tax," "street tax," "canal tax," and shall make return thereof to the common council in the same manner that is now provided by law, of all taxes contained in said lists.

SEC. 5. That whenever the assessor of said city shall have completed his assessment roll and valuation of the property, real and <sup>Notice of
completion,
of assess-
ment to be
given.</sup> personal in said city, it shall be his duty to give notice thereof by publishing in the newspapers printed in said city, by at least two insertions, stating the place where said roll is left for the inspection of all persons interested, and of the time when and the place where he will be to hear the objections of any person interested, in the valuation so made by him; and at the time and place so appointed, the said assessor shall be, and on the application of any person conceiving himself aggrieved, may review and reduce the said valuation on sufficient cause being shown to the satisfaction of said assessor, and if any person or persons shall conceive himself or themselves aggrieved by the final decision of said assessor, he or they shall have the right of appealing from said decision within ten days thereafter to the common council, who are in like manner, hereby authorized upon sufficient cause shown, to reduce said val-

uation according as they shall deem the very right of the case. The assessment roll shall in all cases be returned to the common council, and a warrant issued by them to the collector as is now provided for by law.

Length of
time notice
to be pub-
lished,

SEC. 6. That the time for publishing the notice of sales of land mentioned, for non-payment of taxes, and the time for publishing the notice of sale for delinquent taxes, whether against persons resident or non-resident of said city, shall be four weeks instead of three months as heretofore required.

Part of cer-
tain acts re-
pealed.

SEC. 7. So much of the act entitled "an act to incorporate the city of Monroe," approved March twenty-second, eighteen hundred and thirty-seven, and of the several acts amendatory thereto, as are inconsistent with the provisions of this act, are hereby repealed: *Provided*, That no loans made to said city of Monroe, or to the canal fund of said city, or for the purpose of building or constructing a canal, or otherwise, shall be affected by the repeal or amendment herein made of any provisions of the charter of said city of Monroe, or of the acts amendatory thereto.

Approved March 16, 1847.

[No. 69.]

AN ACT to organize certain Townships, and for other purposes.

Township of
Monterey
organized.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That townships number three and four north, of range thirteen west, and township four north, of range fourteen west, in the county of Allegan, be and the same are hereby set off from the township of Allegan, and organized into a separate township, by the name of Monterey, and the first township meeting therein to be held at the block meeting house in said township.

Dorr.

SEC. 2. That townships three and four north of range twelve west, in the county of Allegan, be and the same are hereby set off from the township of Watson, and organized into a separate township, by the name of Dorr, and the first township meeting therein shall be held at the school house in district number three in said township.

SEC. 3. That townships number one and two, north of range six-teen west, and fractional township one in range seventeen west, in the county of Allegan, be and the same is hereby set off from the township of Newark, and organized into a separate township by the name of Ganges, and the first township meeting therein shall be held at the house of Orlando Weed, in said township; the first township meeting in the township of Newark in Allegan county, shall be held at the school house near the village of Newark, in school district number one. ^{Ganges.}

SEC. 4. That townships number nine north, of range number nine west, and nine north, of range ten west, in the county of Kent, be and they are hereby set off from the township of Cortland and organized into a separate township, by the name of Wabacis, and the first township meeting therein shall be held at the house of William R. Davis, in said township. ^{Wabacis.}

SEC. 5. That township eight north, of range number twelve west, in the county of Kent, be and is hereby set off from the township of Walker and organized into a separate township, by the name of Alpine, and the first township meeting shall be held at the house of Abram Konkle, in said township. ^{Alpine.}

SEC. 6. That townships eight and nine north, of range number thirteen west, in the county of Ottawa, be and the same are hereby set off from the township of Tallmadge in said county, and organized into a separate township, by the name of Wright, and the first township meeting shall be held at the house of Charles Roberts, in said township. ^{Wright.}

SEC. 7. All that part of the county of Ottawa designated by the United States survey as townships number five north, of ranges number fourteen, fifteen and sixteen west, be and the same is hereby set off and organized into a separate township, by the name of Holland, and the first township meeting shall be held at the house of A. C. Van Raalte, in said township. ^{Holland.}

SEC. 8. All that part of the county of Mackinaw designated as the Beaver Islands in Lake Michigan, be and the same are hereby set off and organized into a separate township by the name of Peaine, and the first township meeting shall be held at the store of ^{Peaine.}

A. Cable, Beaver Island Harbor in said township, on the first day of May next.

Part of
Georgetown
attached to
Tallmadge.

SEC. 9. That all that part of township number six, north of range number thirteen west, in the county of Ottawa, according to United States survey, which lies on the north side of Grand River, (being parts of sections one and twelve,) be and the same is hereby set off from the township of Georgetown, and attached to the township of Tallmadge.

Part of G.
Rapids at-
tached to
Plainfield.

SEC. 10. That all that part of township number eight, north of range number eleven west, in the county of Kent, according to the United States survey, which lies on the south side of Grand River, be and the same is hereby set off from the township of Grand Rapids and attached to the township of Plainfield.

Part of W.
Bloomfield
attached to
Waterford.

SEC. 11. That all that part of township number two, north of range number nine east, in the county of Oakland, according to United States survey, (known and described as the northeast quarter of the north east fractional quarter, and the north west part of the north east fractional quarter of section three, and the north west part of the north west fractional quarter of section two,) be, and the same is hereby set off from the township of West Bloomfield and attached to the township of Waterford.

T of Rutland
organized.

SEC. 12. That township number three north, of range number nine west, in the county of Barry, be, and the same is hereby set off from the township of Irving, and organized into a separate township by the name of Rutland, and the first township meeting therein shall be held at the house of David Rork, in said township.

Townships
attached.

SEC. 13. That all the territory designated by the United States survey as township number nine, and township number ten north, of range two west, be and the same is hereby attached to the township of Greenbush, in the county of Clinton.

SEC. 14. That all the territory designated by the United States survey as township number nine north, of range number three west, be and the same is hereby attached to the township of Essex, in the county of Clinton.

SEC. 15. That all the territory designated by the United States survey as township number nine, and township number ten north, of range number four west, be and the same is hereby attached to the township of Lebanon, in the county of Clinton.

SEC. 16. That the county of Huron be and the same is hereby attached to the township of Lexington, in the county of St. Clair, for judicial, representative and township purposes.

SEC. 17. That part of the act organizing certain townships, &c., approved March nineteenth, eighteen hundred and forty-five, which organized the county of Huron into a separate township by the name of Polk, is hereby repealed. Part of certain act repealed.

SEC. 18. That section three of "an act to organize certain townships and for other purposes," approved March twenty-fifth, eighteen hundred and forty-six, is hereby extended, so that the first township meeting in the township of Pewonagawink may be held on the first Monday in April next, and the same shall be held at the house of James Wilcox. Sec. 3 of certain act extended.

SEC. 19. That the name of the township of East Portage, in the county of Jackson, be and the same is hereby changed to Waterloo. E Portage changed to Waterloo.

SEC. 20. That the name of the township of Churchtown, (number eight north of range number ten west,) in the county of Kent, be and the same is hereby changed to Cannon. Churchtown changed to Cannon.

SEC. 21. All that part of the township of Ecorse, in the county of Wayne, lying west of the east lines of sections three, ten, fifteen, twenty-two, twenty-seven and thirty-four, in township three south of range ten east, be and the same is hereby set off from said township of Ecorse and organized into a new township to be known and designated by the name of Taylor, and the first township meeting therein shall be held at the house of R. Sutliff, in said township. T of Taylor organized.

SEC. 22. This act shall take effect and be in force from and after the first day of April next.

Approved March 16, 1847.

[No. 70.]

AN ACT to amend an act entitled an act to incorporate the Adrian Seminary, approved January thirteenth, eighteen hundred and forty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the first section of the act entitled an act to incorporate the Adrian Seminary, approved January thirteenth, eighteen hundred and forty-six, be amended by stri- First section amended.

king out the names of Alfred W. Budlong, William Wolcott, Francis J. King and Harry Wood, and inserting the names of Abel Whitney, Daniel K. Underwood, John A. Rice and Langford G. Berry; and by striking out the words "Adrian Seminary," and inserting "Adrian Academy."

First meet-
ing where
to be held.

SEC. 2. The first meeting of said corporation shall be held at such time and place as may be designated, in accordance with the provisions of the third section of chapter fifty-five of the revised statutes of eighteen hundred and forty-six.

SEC. 3. This act shall take effect from and after its passage.

Approved March 16, 1847.

[No. 71.]

AN ACT to amend an act entitled "an act to authorize the sale of the Central Rail Road, and to incorporate the Michigan Central Rail Road Company."

Act amend'd

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the annual reports of the Michigan Central Railroad Company to the secretary of state, required by the thirty-second section of the act incorporating said company, shall hereafter embrace the business of said company for each year, to the first day of December, instead of the first day of January, as is provided in said section; and said reports shall hereafter be made annually on the tenth day of January, instead of the twenty-fifth day of January, as provided in the said thirty-second section of said act.

Time for
choosing di-
rectors ex-
tended.

SEC. 2. The directors of said company shall hereafter be chosen annually on the fourth Monday in June, instead of the second Monday in June, as provided in the twenty-fifth section of said act.

When to
take effect.

SEC. 3. This act shall take effect and be in force from and after the first day of July, in the year one thousand eight hundred and forty-seven: *Provided,* Said company shall, on or before that time have accepted this act, and filed their acceptance in writing, signed by the president of said company, under its corporate seal, in the office of the secretary of state.

Approved March 16, 1847.

[No. 72.]

AN ACT to incorporate the Detroit River Marine Railway Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan;* That Gurdon Williams, Charles Howard, Peter Godfroy, or their assigns, and such other persons as now are, or may be hereafter associated with them, are hereby constituted a body corporate, by the name of the Detroit River Marine Railway Company, for the purpose of constructing, using and providing, on the borders of the Detroit River, one or more dry or wet docks, with marine railways, and other conveniences for building and repairing vessels of every description, and also for sawing lumber.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but it shall be lawful for the said corporation, when five thousand dollars shall have been subscribed and paid in, to commence their said business, and with that capital to carry on the operations of the said company, until they may find it necessary to extend their capital, which they are authorized to do from time to time to the amount hereinbefore mentioned.

SEC. 3. The corporation hereby created, shall be capable of purchasing, holding and conveying, or hireing such lands, tenements and hereditaments, as may be necessary to carry into effect the objects of said corporation, and no other.

SEC. 4. A book for subscriptions to the capital stock of said company, shall be opened under the direction of James A. Armstrong, Charles Howard and James Woodruff, or any two of them, who are hereby appointed commissioners for that purpose, and authorized to receive subscriptions to the said capital stock, on such day and at such place in the county of Wayne, in the state of Michigan, as they shall appoint, giving at least fourteen day's notice of such time and place of subscription, in one of the public newspapers printed in the city of Detroit, and the sum of one dollar on each share shall be paid to the said commissioners on such subscriptions as they shall receive as aforesaid; in case the said sum of five thousand dollars of the stock should not be taken on said day, then the

said commissioners, or a majority of them, are authorized, on such other day or days, and at such place as they shall appoint, to receive further subscriptions, until the whole stock shall have been subscribed.

By whom af-
fairs, &c., of
company to
be conduc-
ted.

SEC. 5. The stock, property and concerns of the said company, shall be managed and conducted by five directors, any three of whom, the president being one of them, may be a quorum to transact business; said directors may respectively hold their offices for one year, and until others are chosen; they shall be elected by such of the stockholders as shall attend for that purpose, either in person or by proxy, on such day, and at such place as shall be designated by said commissioners, or a majority of them, who are hereby appointed inspectors of said election. The said directors then chosen, shall hold their offices until the first Monday in June thereafter, and until others can be elected in their stead. The directors, after the said term shall have expired, shall be chosen annually on the first Monday in June in each year, at such place in the city of Detroit as a majority of the members shall prescribe; of which election notice shall be given at least fourteen days previous, by publication in one of the newspapers published in the city of Detroit, and such election shall be holden under the inspection of two stockholders, to be appointed by the directors for the time being, and shall be by ballot, by a plurality of votes, allowing one vote for every share, and the stockholders not present may vote by proxy.

Directors to
keep books.

SEC. 6. The directors shall at all times keep, or cause to be kept, at their office, proper books of account, in which shall be regularly entered all the transactions of the said corporation, which shall at all times be subject to the inspection of the stockholders; and the directors on going out of office shall account to their successors, and pay over all moneys of the company in their hands.

Powers, &c.,
of company

SEC. 7. The said corporation shall possess the general powers and be subject to the general duties and liabilities of a corporation, as defined in chapter fifty five of the revised statutes, passed and approved May eighteenth, in the year one thousand eight hundred and forty-six.

Lien.

SEC. 8. The inhabitants of this state shall have a lien upon the

property of said company, for all debts due from said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said company.

Sec. 9. The legislature may at any time alter, modify or repeal this act.

Approved March 16, 1847.

[No. 73.]

AN ACT to incorporate the Adrian and Coldwater Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Richard Kent, Elisha P. Champ-^{Commissioners.} lin and Henry Lockwood, be, and they are hereby appointed commissioners, under the direction of whom, or the majority of whom, subscriptions may be received to the capital stock of the "Adrian and Coldwater Plank Road Company" hereby incorporated; and they shall cause books to be opened for the subscription of said stock in the village of Adrian, in the county of Lenawee; in the village of Jonesville, in the county of Hillsdale, and in the village of Coldwater, in the county of Branch, first giving twenty days' notice in at least one public newspaper, printed in the county where said books are to be opened, of the time and place of opening the same in said county; and the subscribers thereto, in pursuance of this act, and their lawful successors and assigns, are hereby constituted and declared a body corporate by the name of the "Adrian and Coldwater Plank Road Company," and shall be capable in their corporate name to purchase and hold such real and personal estate as may be necessary for the construction or repair of said road, the bridges and toll gates thereon, or for the erection of toll houses or other necessary buildings.

Sec. 2. The said corporation shall be subject to the provisions of chapter fifty-five of the revised statutes, approved May 18th, 1846, ^{Subject to certain provisions.} except so far as the same are inconsistent with the provisions of this act. ¶

Capital stock SEC. 3. The capital stock of said company shall be two hundred and fifty thousand dollars, to be divided into ten thousand shares of twenty-five dollars each; and it shall be lawful for the said commissioners, whenever fifty thousand dollars shall have been subscribed, (if within three years from the passage of this act,) to call a general meeting of the subscribers at such time and place as they may appoint, giving twenty days' notice thereof in some newspaper published in each of the counties of Lenawee, Hillsdale and Branch, at which meeting, the said subscribers, or such of them as may attend, being a majority in interest of the stockholders, may proceed to organize said company by the determination and election of proper officers and the adoption of suitable by-laws not inconsistent with this act; and every stockholder shall be entitled to one vote for each share held by him.

To pay \$1
for each
share.

SEC. 4. At the time of subscribing for such stock, each subscriber shall pay into the hands of the said commissioners one dollar on each share subscribed, and at the said first meeting of said company no person not having made such payment shall be permitted to vote or act as a member thereof; and said commissioners shall pay over all money paid to them on said stock as aforesaid to such officers as said company shall direct after the same shall have been organized.

Power of
company.

SEC. 5. The said company shall have power, in such manner, and at such times, as it shall by vote determine, to make calls on each share of capital stock until the whole amount of capital stock subscribed is paid in, and may declare forfeited and sell all shares on which such calls shall not be duly paid.

Ib.

SEC. 6. The said commissioners, or a majority of them, are hereby empowered and authorized to survey and lay out on the line of any existing highway or elsewhere, a road commencing at the village of Adrian, and running thence westerly on the most eligible route to Coldwater, passing through the village of Harrison and Jonesville: *Provided*, That said road shall not be laid out on the line of any existing highway without the consent, in writing, of the commissioners of highways of the several townships through which said road shall pass.

Damages:

SEC. 7. The damages sustained by any person or persons by

reason of the laying out and opening of said road may be ascertained by the agreement of the owner or agent of the owner of the land through which said road may be run with the commissioners aforesaid; and in case such agreement be not made, or in case the owner or agent of the owner of the land shall not in writing release all claim for damages for the right of way to said corporation, the same shall be assessed by said commissioners, and a certificate of such assessment filed in the office of the clerk of the county in which the land lies.

SEC. 8. Said commissioners shall cause a correct map and survey of so much of said road as shall be laid out by them in each county, to be made and filed in the office of the register of deeds of such county, designating such parcels of land through which they have laid said road and have assessed the damages as aforesaid; and in case the owner of such land or his agent shall not within ten days after a certificate of such assessment is filed in the clerk's office as aforesaid, and notice thereof as herein provided, file in the same office a notice of appeal to the county court of such county, the said assessment shall be considered final; and upon the payment of the amount so assessed, or a tender thereof by said company to the owner or his agent, the right of way through such land shall be as fully vested in said company as if the same had been conveyed by the owner of the land. And in case a notice of appeal from any such assessment, shall be filed in the clerk's office as aforesaid, within the ten days aforesaid, then the said county court shall have jurisdiction of the matter, and shall cause the damages for the right of way through such land according to such survey, to be re-assessed by a jury of twelve freeholders disinterested in the matter; and either party may introduce witnesses touching the amount of damages; and on the payment or tender of the amount by such jury assessed as damages, to the owner or his agent, the said right of way shall be as fully vested in said company as if released by the owner of the land: *Provided*, That said company shall cause notice of the filing of such certificate of the assessments to be served on the several owners or their agents, if such owner, or one of several joint owners, or agent reside in the county where such land lies; and in case the owner, or one or more

Com'rs to cause map to be made and filed in office of register of deeds.

of several joint owners of any such lands shall not reside in the county in which the same lies: in that case the said court, on application of said company, shall direct such notice to be given to such owner or owners by publication in some newspaper as such court may deem reasonable, fixing the time within which such owner or owners are to take such appeal; and in case he or they do not take such appeal within the time fixed by such order, the said assessment shall be final.

To construct
and keep in
repair plank
road.

SEC. 9. The said company shall, and is hereby authorized and empowered, to construct and keep in repair, a plank road on the route so laid out and established, from the village of Adrian to the village of Coldwater; said road to be built of good plank, not less than eight feet long and three inches in thickness, and shall have power to grade, ditch and drain the road in such a manner as may be necessary or convenient for that purpose; and at the intersection of said road with other roads, it shall be so constructed as to afford easy and safe access thereto or passage thereover, for wagons, carriages or other vehicles. And the said company may extend the said road from Coldwater to Union City, in the county of Branch, at any time within five years from the passage of this act, and for that purpose shall have all the powers, and be subject to all the restrictions and liabilities conferred and imposed by this act: and when completed, the said road from Coldwater to Union City, shall be part and parcel of the property of the company hereby incorporated.

SEC. 10. The said company, while constructing said road, shall cause no unnecessary impediment or obstruction to the travel on any highway on which they may construct said road.

May commute
with
subscribers.

SEC. 11. The directors of said company may commute with the subscribers to the stock of the company by allowing them in lieu of paying their subscription in money, to take contracts (on giving satisfactory security for the fulfillment thereof) for the furnishing of materials or the executing of any part of the work to be done on said road.

To appoint
com'rs.

SEC. 12. As soon the said company shall notify the governor or acting executive of the state, that at least five miles of said road is constructed, he shall thereupon appoint three discreet and disinterested persons as commissioners to view the same, and report in writ-

ting to him whether the road is constructed according to the provisions of this act; and if they shall report in the affirmative, he shall forthwith authorize the said company to erect so many gates upon and across said road as may be necessary and sufficient to collect the dues and tolls hereinafter granted to the said corporation from all persons travelling on or using the same; and this may be done as often thereafter as any other portion of said road shall be finished, not less than five miles in extent; but no more than six whole toll gates or twelve half toll gates shall ever be placed across said road, and not more than a proportionate number, according to the distance said road shall be completed.

Sec. 13. As soon as five miles of said road shall have been completed, and permission granted as aforesaid, to erect a whole or ^{May appoint toll gather-} half toll gate or gates upon and across the same, it shall and may be lawful for the directors of said company to appoint toll gatherers to collect and receive of and from all and every person and persons using or travelling on said road at each and every of said whole toll gates, and at each half toll gate in proportion, such tolls and duties to wit: For neat cattle, driven over the road, six cents for every score; for every wagon drawn by two horses, mules or oxen, twelve and a half cents, and four cents for each additional horse, mule or ox; for every coach, pleasure wagon or carriage drawn by two horses, twelve and a half cents, and each additional horse, four cents; for every chaise, sulkey, wagon or pleasure vehicle drawn by one horse, ten cents; for every cart drawn by two oxen, ten cents; for every horse or mule, led or driven, not attached to a vehicle, four cents; for every horse and mule, with its rider six cents; for all sleighs and sleds drawn by horses, mules or oxen, if the same are used for burthen, half the tolls on wagons, and if the same are used for pleasure, half the tolls on pleasure vehicles on wheels; and it shall be lawful for every toll gatherer to stop and detain any person or persons, and any property above named in this section until the lawful toll be paid: *Provided*, That no toll shall be demanded from any person going to or returning from funerals or public worship, or from any person going to or returning from part of the farm on which such person resides, or from any person using said road for a distance not exceeding one mile

either way from the residence of such person, nor from any troops in the service of the United States or of this state.

Penalty.

SEC. 14. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger, or property at either of said gates, or shall demand or receive more tolls than by this act are established, he shall, for every such offence, forfeit and pay twenty-five dollars, to be recovered by the person or owner of the property so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattels of such toll gatherer can be found to satisfy such judgment and costs, then, in that case, the personal property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

Duty of
com'r.

SEC. 15. Whenever complaint shall be made to either of three commissioners appointed in pursuance of the fifteenth section of this act, that any part or parts of said road is out of repair, it shall be the duty of such commissioner to give notice to the other two commissioners, who, with him, shall proceed to examine such part or parts of such road, and if they find the same to be out of repair, then the said commissioners shall give notice in writing of such defect to the toll gatherer or person attending the gate nearest the place so out of repair, and may also, in their discretion, in the said notice, order such gate or gates to be thrown open; and the said gate or gates so ordered to be thrown open, shall, after service of such notice as aforesaid, be and remain open, and no tolls shall be demanded until after such road is put in complete repair; and if such keeper of the gate shall not immediately, after the receipt of such notice, open the gate and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or shall take or demand any toll from any person or persons, after receiving such notice, and until such repair are completed as aforesaid, the toll gatherer or gate keeper so detaining any person as aforesaid, shall forfeit and pay to the person so detained the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice

of the peace in the county where such detention occurs; and the property of the said company shall be liable on said judgment, and the same may be taken on any execution issued thereon, in the same manner as if the same were against said company in its corporate name; and the said commissioners, appointed under and by virtue of this act, shall receive as a compensation for their services, at the rate of one dollar and fifty cents per day for the time actually employed, to be paid by the toll gatherer nearest to where the service was rendered, on the warrant of the secretary countersigned by the president, out of the moneys collected at such places; and in default of such payment, the toll gatherer and the stockholders of said company shall be individually liable to said commissioners.

Sec. 16. The said directors shall keep a set of corporate books, open at all times, to any and all of the stockholders, in which shall ^{Books to be kept open.} be entered the cost of the construction of said road and fixtures, and also the expenditures of said company, and all moneys by them received, and an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said company whenever it shall be required.

Sec. 17. If the said company shall not complete five miles of ^{Forfeiture in case of neglect.} said road within five years from the passage of this act, and the balance of said road within ten years from the passage of this act, then the charter of such portion of said road as shall not have been so completed, shall become forfeited; or if either of said toll gates shall be kept open for the period of two months after notice is given that said road is out of repair, agreeably to the provisions of the fourteenth section of this act, then, and in that case, the powers and privileges granted to said company by this act shall cease, and be null and void.

Sec. 18. This act shall be subject to all general laws relative to incorporations, and such amendments as shall be made thereto, so far as the same shall be applicable.

Sec. 19. The stockholders of said company shall be personally liable for all the debts of said company, after the corporate property of the company shall have been exhausted.

Sec. 20. The legislature may at any time alter, amend or repeal

this act, or the act to which this act is amendatory, by a vote of two thirds of each house.

SEC. 21. This act shall take effect and be in force from and after its passage.

Approved March 16, 1847.

[No. 74.]

AN ACT to amend the Charter of the City of Detroit.

Power of
com council

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the common council of the city of Detroit shall have power to regulate, protect and control so much of the city water works as may lie without the bounds of said city, in the same manner as they regulate, protect and control said water works within said bounds.

SEC. 2. The mayor's court shall be held by the mayor, and in case of his absence from the court, by the recorder, and in case of the absence of both, by any alderman previously designated by the common council.

Certain ch
amended.

SEC. 3. That the several existing provisions of the charter prescribing the mode of drawing a jury, be so amended as to authorize the common council to procure a jury (of the inhabitants of said city) in all cases, in the like manner as is by law provided for obtaining juries in the circuit courts of the state of Michigan.

May fill va-
cancy.

SEC. 4. In case of the death or absence from the city of both the mayor and recorder, the common council may at any regular session or special session called by three members, and notified to the members of the council by the clerk, appoint one of their number to preside at such session, and such session shall be taken to be as legally organized as if the mayor or recorder were present.

To raise tax

SEC. 5. That in addition to the tax now authorized to be levied by the charter of the city of Detroit, the common council of said city shall have power in the manner prescribed by said charter or any amendment thereof, to cause to be levied and collected a sum not exceeding sixteen thousand dollars, as follows: For the year eighteen hundred and forty-seven, a sum not exceeding eight thousand dollars, and for the year eighteen hundred and

forty-eight, a further sum not exceeding eight thousand dollars : *Provided*, That the consent of the taxable inhabitants of said city to the proposed levy be first obtained at a public meeting of said taxable inhabitants, to be convened by the proclamation of the mayor of said city : *And provided further*, That the said sums or any part thereof so raised, shall be applied in payment of the city debt and the interest thereof, and to no other purpose.

SEC. 6. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 7. Any law, now in force, which prohibits the same person from holding the offices in said city of member of the common council and of the board of education, is hereby repealed, in respect to said offices, and any alderman or school inspector who shall remove from the ward in which he was elected, shall thereby vacate his office. Acts repealed.

SEC. 8. This act shall take effect from and after its passage.

Approved March 16, 1847.

[No. 75.]

AN ACT to incorporate the Chippewa Portage Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That W. F. Porter Taylor, Andrew Harvie, Lowell W. Tinker, Joseph B. Brown, Orville B. Dibble, and such other persons as may be associated with them, their successors and assigns be, and hereby are, constituted a body politic and corporate, under the name of "The Chippewa Portage Company," and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no farther; and in their corporate name may sue and be sued, have a common seal, and shall have, enjoy and exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes mentioned in this act, and none other. Incorporation.

SEC. 2. The capital stock of said company shall be ten thousand dollars, in shares of twenty-five dollars each, transferable on the Capital stock

books of said company, and in such manner as may be provided by the by-laws thereof.

Power to
construct
road, &c.

Sec. 3. Said company hereby created, shall have power to construct upon and along the public highway, or upon such land as they may procure for that purpose, a plank road and[or] railway, not exceeding ten feet in width, from a point at or near the St. Marie river, below the falls of said river in the village of Ste Marie, and county of Chippewa, to such point as they may procure for that purpose, convenient to the ship navigation of Lake Superior, above the Saut Ste Marie, and erect such depots upon lands purchased or procured, or to be purchased and procured by the said company, as may be necessary for the transaction of the business thereof; and receive, store and transport upon said road, in suitable cars or vehicles, by the force and power of animals, or any mechanical or motive power, all such passengers, goods, freight, minerals and property generally, as may be entrusted to their care for that purpose; and shall have power to collect therefor such reasonable sums as shall be established by the by-laws of said company: *Provided, always,* That the road shall in no way obstruct or interfere with the common carrying place around the falls of the St. Marie, and the said company shall not charge for the transportation of freight over said road a price exceeding five cents for each one hundred pounds exclusive of storage, which storage shall not exceed the ordinary rates charged by regular forwarders at the Saut Ste Marie: *And provided also,* That said company shall at all times on reasonable notice and payment of freight, transport over said road all freights so to be transported; but they shall not be compelled to run a car or other vehicle over the road for less than one thousand pounds of freight. And said road, improvements, property, works and profits, are hereby vested in said company hereby incorporated, and the stock of said company shall be considered personal property, and transferable agreeably to the by-laws thereof.

Duty of road
commissioners.

Sec. 4. In order that the road hereby authorized to be constructed shall be so constructed as not to interfere with the free passage along the said highway, of persons, teams, and vehicles, separate and apart from the portion thereof granted to be occupied by the said company, to wit: ten feet in width—it shall be the duty of the

road commissioners of the township of Saut Ste Marie, to meet prior to the commencement of the construction thereof and designate what portion of the said highway the said company may construct their road along and upon, between the points mentioned in section three of this act by the said company to be designated. And the said company shall notify the said road commissioners personally or by written notice served at least thirty days prior to entering upon said highway, for the purposes herein granted, and shall construct their road upon the portion so designated by said commissioners, or upon such lands as the company may purchase.

SEC. 5. The prices of transportation across said road established by the by-laws, shall be plainly printed upon signs, which shall be put up in a conspicuous place at each end of the road, and for every violation of said by laws, said company shall be liable to a fine of fifty dollars, to be recovered with costs of suit, in an action of debt, before any court of competent jurisdiction.

Prices of transportation to be painted on signs.

SEC. 6. Said company shall not construct or maintain said road in such manner as to obstruct or interfere in any manner with the free construction and navigation of any canal which may at any time hereafter be constructed around the falls of the St. Marie river by virtue of any law of this state or of the United States.

Not to interfere with canal, &c.

SEC. 7. In order to organize the company hereby created, the incorporators named herein shall cause a meeting to be called, of all the then stockholders, by written notices publicly posted at the village of Saut Ste Marie, at least five days prior to the time appointed for said meeting, at which five directors shall be chosen, a majority of whom shall be competent to manage the affairs of the company and to elect one of their number, being a stockholder, president; and to appoint such other officers for said company as they may deem necessary, and on all occasions when the vote of the stockholders is taken, each and every share shall entitle the owner thereof to one vote, either by himself in person or by proxy, and a majority of all the votes so given shall be necessary to elect: *Provided*, That if there be less than five stockholders at the time of the election of directors, the stockholders for the time being shall be the directors of said company.

Meeting to be called.

SEC. 8. To continue the succession of president and directors of

Directors to
be chosen.

said company, five directors shall be chosen annually, on the first Monday of June, or at such time and place as shall be designated by the directors. and if any vacancy shall occur by death, resignation or otherwise, of any of the officers or directors during the term for which the same were elected, such vacancy for the remainder of the term may be filled by a majority of the directors; and the directors of said company shall hold their office until others are chosen and qualified, and after the first election, as provided in section seven of this act, thirty days' public notice shall be given of all meetings of the company, prior to the holding thereof.

Power of
president &
directors.

Sec. 9. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; also the manner and evidence of the transfers of the stock in the said company; and they shall have power to pass all the by-laws necessary for carrying into execution all the power vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States or of this state.

May agree
with owners
of land.

Sec. 10. The president and directors may agree with the owner or owners of any land, or for any materials or articles whatsoever which may be wanted in the construction, repairs or use of said road or any of its works, for the purchase and occupancy of the same.

Penalty for
wilful injury

Sec. 11. If any person shall wilfully and maliciously remove any stake, alter, deface, or injure in any manner, any bench, stake, post or fixture set up by any engineer or superintendent in the employ of said company, or by any means obstruct, injure, impair or destroy any part of the road constructed by said company under this act, or of any necessary works, building or machinery of said company, such person so offending shall be liable to indictment, and on conviction shall be punished by fine not exceeding five hundred dollars, and imprisonment not exceeding one year, or either in the discretion of the court.

Sec. 12. Said company shall commence the construction of said road as soon as is practicable, and shall complete the same within two years from the date of the passage of this act.

SEC. 13. Said company shall not be entitled to any damages on account of any improvement made byr under authority of this state, that may render its stock less valuable.

SEC. 14. The stockholders of said company shall be porsonally ^{Liability.} liable at all times for the debts of said company, to the extent of the interest of any stockholder in the stock of said company, after the property of the company has been exhausted.

SEC. 15. The rights and privileges herein granted shall not be exercised so as to infringe on or in any wise conflict with or impair the rights of any individual, nor shall the same be construed as conferring banking powers of any nature or form whatsoever.

SEC. 16. The said company shall pay to the state an annual tax ^{Annual tax.} of one-half of one per cent. upon its capital stock paid in, including all loans made by said company, for the purpose of constructing said plank road or railway, which tax shall be paid in the last week in January in each year, to the state treasurer, and the property and effects of said company, whether real, personal or mixed, shall in consideration thereof, be exempt from all and every tax, charge and exaction, by virtue of any law of this state, now or hereafter to be in force, except penalties by this act imposed.

SEC. 17. The state shall have a lien upon the rail road of said company, its appurtenances and stock thereon, for all penalties, ^{State to have lien upon road.} taxes and dues which may accrue to the state from said company, which shall take precedence of all other debts or demands, judgments or decrees against said company; and any inhabitant of this state shall have a lien upon said plank road or railway, stock and appurtenances, and upon the property of said company, for all dues or demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which, after said state lien, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages, against said road or company.

SEC. 18. The legislature of this state may repeal, alter or amend this act, by a vote of two-thirds of each house.

Approved March 17, 1847.

[No. 76.]

AN ACT to abolish the Office of Acting Commissioner of Internal Improvements, and for other purposes.

Office of acting com'r abolished.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the office of acting commissioner of internal improvement be and the same is hereby abolished from and after the twentieth day of April next.

Who shall constitute board of int. imp.

SEC. 2. The ~~state~~ treasurer, secretary of state and auditor general shall, from and after the said twentieth day of April next, by virtue of their offices, constitute a board of internal improvement, and shall have all the powers, and perform all the duties prescribed by law to be performed by such board, or by the acting commissioner of internal improvement. They shall receive no extra compensation for such services, necessary travelling expenses excepted.

Duty of acting com'r.

SEC. 3. It shall be the duty of the acting commissioner, on or before the twentieth day of April next, as far as practicable for the best interests of the state, to dispose of all the personal property appertaining to the business of internal improvements of this state, except such books, papers, maps, profiles, leveling, surveying and mathematical instruments, or other personal property, as in the opinion of the board ought to be retained for the use of the state; and all such books, papers or other property as shall remain, shall be by the acting commissioner, on or before the twentieth day of April next, delivered over to the board hereby constituted, to be by them preserved or otherwise disposed of, for the best interests of the state.

Duty of board of int. imp.

SEC. 4. It shall be the duty of said board to discharge all the officers connected with, and to close up the business of this state with internal improvements under existing provisions of law, except so far as it may be necessary to continue said business for the preservation of the Clinton and Kalamazoo Canal, its extension if required by future enactment, and for the proper management of such works of internal improvement as may hereafter become the property of the state, or may be directed by law.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

[No. 77.]

AN ACT to provide for the collection of a Special Tax for the improvement of the Territorial or Vistula Road, in the counties of Lenawee and Hillsdale.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of improving the territorial (now state) road, known as the Indiana and Vistula road, through the counties of Hillsdale and Lenawee, there shall be assessed, levied and collected, in township number nine, south of ranges one, two, three and four west, and ranges one and two east, or so much thereof as lies within one mile of the Ohio state line, in addition to all other taxes, the sum of five mills on the dollar valuation of said township. Assessment and collection of taxes

SEC. 2. That said tax shall be assessed, levied and collected, in the same manner as other road taxes are assessed and collected, and the same may be discharged by labor upon said road, and the money raised by said tax shall be subject to the order of the commissioners.

SEC. 3. That Nathaniel S. Dewey, of the county of Hillsdale, and V. R. Paine, of the county of Lenawee, be, and they are hereby appointed special commissioners, whose duty it shall be to superintend the expenditure of such sums of money as may from time to time be collected and received by them for the benefit and improvement of said road, and to direct and determine the manner in which said labor shall be applied. Special comr's.

SEC. 4. That said commissioners may receive donations and subscriptions for the benefit of said road, and shall cause the same to be faithfully applied to the improvement thereof, and may sue for and recover any or all subscriptions thereto, in their own names, or either of them. May receive donations, &c.

SEC. 5. That said commissioners shall perform all the duties of overseers of highways, and be subject to the same penalties, and shall be entitled to receive for the time necessarily employed, the sum of one dollar per day for their services as such commissioners. Comr's to perform duties of overseers.

SEC. 6. That all moneys received for non-resident highway taxes, upon the lands lying within said above mentioned townships, shall be expended on said road, in addition to the special tax here- All moneys to be expended on road.

in provided, and that this act shall continue in force for the term of four years.

Approved March 17, 1847.

[No. 78.]

AN ACT to cede Jurisdiction to the United States over Lands to be occupied as sites of Light Houses within this State.

Jurisdiction ceded. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That jurisdiction is hereby ceded to the United States over so much land as may be necessary for the construction and maintainance of light houses within this state, not to exceed ten acres of land for each; the same to be selected by an authorized officer of the United States, approved by the Governor, and the boundaries of the land selected with such approval endorsed thereon, and a map thereof being filed in the office of the secretary of state of this state, and by him recorded: *Provided*, always, and the assent aforesaid is granted upon the express condition, that this state shall retain a concurrent jurisdiction with the United States in and over the several tracts aforesaid, so far as that all civil and such criminal processes as may issue under authority of this state against any person or persons charged with crimes committed without the bounds of said tract, may be executed therein in the same manner as though this assent had not been granted.

For certain light houses SEC. 2. That the foregoing shall be applicable only to such land as shall be selected and approved as aforesaid, and a survey thereof filed and recorded as above provided, for the construction of the following light houses, to wit: One at Monroe, one at Clinton river, one near Wangoshance, one at Point au Barques, one at the mouth of Saginaw Bay, one at Detour, where the river Sault Ste Marie empties into Lake Huron, one at White Fish Point on Lake Superior, one at St. Josephs, and one at Copper Harbor or Fort Wilkins.

Approved March 17, 1847.

[No. 79.]

AN ACT in regard to the Recorded Plat of the Eastern Addition to the Village of Adrain.

Whereas, The proprietors of the plat of the "eastern addition to the village of Adrian," in the county of Lenawee, and state of Michigan, omitted, when recording said plat, to state upon said record the size of the several village lots thereupon laid out, as well as the width of the several streets established in said village plat; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall and may be lawful so to amend said record as to show the length and breadth of all lots laid out, and the width of all streets laid out in said village of "east addition to the village of Adrian," and the same shall be as valid as though done at the time of recording the same.

Approved March 17, 1847.

[No. 80.]

AN ACT to amend an act entitled "an act to provide for laying out and establishing a State Road, and for other purposes, from the Village of Palmer in the County of St. Clair, to the Village of Riley in said County," approved March twenty-fourth, eighteen hundred and forty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of working and improving the road mentioned in section one of an act entitled "an act to provide for laying out and establishing a state road from the village of Palmer in the county of St. Clair, to the village of Riley in said county," approved March twenty-fourth, eighteen hundred and forty-five, the highway tax which may be assessed upon the lands owned by non-residents within one mile each way from the centre of said road for the next succeeding four years, are hereby appropriated, and John Grinnoll of the township of Riley, be appointed special commissioner, and hereby directed to lay out and expend the aforesaid mentioned taxes upon said road, for the laying out and improving and working the same.

SEC. 2. That section three of said act to provide for laying out

and establishing a state road, and for other purposes, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

[No. 81.]

AN ACT to provide for paying the Assistant Librarian and the Private Secretary of the Governor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be and is hereby appropriated out of the general fund, the sum of five hundred dollars, and the state treasurer is hereby authorized and directed, out of the above appropriation, to pay the assistant librarian the sum of three dollars per day during the time he has been or may be in the service of the state, to be paid on the certificate of the secretary of state; and the private secretary of the governor the sum of three dollars per day during the time he has been or may be in the service of the state, to be paid on the certificate of the governor: *Provided*, The time for which such officers shall be paid shall not exceed more than five days beyond the actual period of the session of the legislature.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

[No. 82.]

AN ACT to incorporate the Kalamazoo and Grand River Rail Road Company.

Who to
cause books
to be open-
ed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Justus Burdick, George W. Rice, Samuel Clark, Isaac Moffatt, Samuel P. Cobb, Edmund B. Bostwick, George Martin and Rix Robinson, may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of the Kalama-

zoo and Grand river rail road company, first giving thirty days' notice of the times and places of taking such subscriptions by publishing such notice in one of the public newspapers in Kalamazoo and Kent counties.

SEC. 2. The capital stock of said company shall be ~~six~~ hundred thousand dollars, in twelve hundred shares of fifty dollars each and as soon as one hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their associates and assigns, shall be, and they are hereby created a body corporate and politic, by the name of the Kalamazoo and Grand River rail road company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, leasing and conveying estate, either real, personal or mixed, so far as the same be necessary for the purpose hereinafter mentioned, and no farther, and in their corporate name may sue and be sued; may have a common seal, which they may alter or renew at pleasure; and shall have and may enjoy and exercise all the powers, rights and privileges which may be necessary to carry into effect the purposes and objects of this act.

SEC. 3. Said company, hereby created, shall have power to construct a rail road, with a double or single track, from Kalamazoo, in the county of Kalamazoo, to Grand Rapids, in the county of Kent, with power to take, transport and carry property and persons upon the said rail road, or any part thereof herein authorized to be constructed, by the power and force of steam, or of animals, or of any combination of them.

SEC. 4. If said company shall not, within four years after the passage of this act, commence the construction of said road, and shall not, within twelve years from the passage of this act, construct, finish and put in operation the whole of said road, then the rights, privileges and powers of said company shall be null and void so far as it regards such part of said road as shall not be finished within the limits of this act.

SEC. 5. Whenever two hundred shares of the capital stock shall have been subscribed, if within three years from the passage of this act, the commissioners shall call a meeting of the subscribers at such time and place as they may appoint, by giving thirty days' notice of the times and places of taking such subscriptions by publishing such notice in one of the public newspapers in Kalamazoo and Kent counties.

public notice of such meeting, and shall lay the books of subscription before the subscribers then present ; and thereupon said stockholders, or a majority of them, shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of the company, and said directors are empowered to elect one of their number president ; and on all occasions, when a vote of the stockholders is to be taken, each and every share shall entitle the holders thereof to one vote either by himself or by proxy.

Directors to
be chosen.

SEC. 6. To continue the succession of president and of directors of said company, seven directors shall be chosen annually, on the first Monday in October, at such place as may be appointed by the directors ; and if any vacancy shall occur by death, resignation or otherwise of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company, or a majority of them. The president and directors of said company shall hold their office until a new election of president and directors. All elections which are by this act, or by the by-laws of this company to be made on any particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section.

General
meeting.

SEC. 7. A general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of president and directors ; and a meeting may be called at any time during the interval between the said meetings by the president and directors, or by the stockholders owning not less than one fourth of the whole stock, by giving thirty days' notice of the time and place of meeting, and when any such meeting is called by the stockholders, the particular object of such call shall be stated ; and if at any meeting thus called, a majority in value of the stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days without transacting any business ; and if within said three days, stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

Duty of pre-
sident and
directors at

SEC. 8. At a regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in of-

for the preceding year, to exhibit a clear and distinct statement ^{regular meeting.} of the affairs of the company; and at any meeting of the stockholders, a majority of those present, or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and all general meetings of the stockholders, a majority in value of all the stockholders in said company, may remove from office any president or any of the directors of said company and elect others in their stead: *Provided*, Notice of such intended removal has been given as required by the seventh section.

SEC. 9. Every president and director of said company, before he acts as such, shall swear or affirm that he will well and truly discharge the duties of his office to the best of his skill and judgment. ^{Oath.}

SEC. 10. The president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; and the said president and directors, or a majority of them, shall have power to determine the manner, also the manner and evidence of the transfers of the stocks in the said company; and they shall have power to pass all the by-laws which they may deem necessary for carrying into execution all the power vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States, nor of this state.

SEC. 11. The president and directors of said company shall be, and they are hereby invested with all the privileges, rights and powers necessary for the location, construction and keeping in repair said rail road, not exceeding one hundred feet in width; and the said president and directors, or their agents or those with whom they may contract, for making said road, or any part of it, may enter upon, use and excavate any land which may be wanted for the site of said rail road, as soon as the amount of compensation therefor is ascertained and tendered as provided in section six and seven of an act to incorporate the Michigan Central Railroad Company. ^{Power of president & directors.}

SEC. 12. The said company may charge and collect a reasonable sum not exceeding the sums charged by said Michigan Central Rail- ^{May charge for storage, &c.}

road Company for storage upon all property which shall have been transported by them, upon delivery thereof at any of their depots, and which shall have remained in any of their depots more than four days: *Provided*, The consignee shall have been notified, if known, either personally or by notice left at his place of business or residence, or by notice sent by mail, of the receipt of such property, at least four days before any storage shall be charged: *Provided*, That in all cases the said company shall be responsible for goods in deposit in any of their depots, awaiting delivery, as warehousemen, and not as common carriers. And if said company shall charge or take any remuneration for storage of goods otherwise than as aforesaid, it shall forfeit and pay to the state of Michigan, in each case for so doing the sum of fifty dollars: *Provided, further*, That whenever it shall be necessary for the convenience of the public, or persons receiving or sending property by said rail road, the said company shall permit side tracks to intersect the main road at any depot on or along the line of said road, and that such persons shall be entitled to have any property taken from such side tracks under the direction and regulation of said company without unreasonable delay. •

May cross
or intersect
established
road.

SEC. 13. Whenever in the construction of said road it shall be necessary to cross or intersect any established road, it shall be the duty of said president and directors, so to construct the said rail road across such established road, as not to impede the passage or transportation of persons along the same; or when it shall be necessary to construct it through the land of any individual, it shall be their duty to provide for such individual proper wagon ways across said road, from one part of his land to another, and keep the same in repair.

Damages.

SEC. 14. If said company shall neglect to provide and keep in repair proper wagon ways across said road, as required by this act, it shall be lawful for any individual to sue said company, and he shall be entitled to such damages as a court or jury may think him or her entitled to for such neglect or refusal on the part of said company.

SEC. 15. If it shall be necessary for said rail road company in the selection of the route or construction of said road to be by

them laid out and constructed, or any part of it, to connect the same with any turnpike road or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for said president and directors to contract with any other corporation for the right to use such road or bridge, or for the transfer of any of the corporate or other rights and privileges of such corporation to the said company hereby incorporated, and every such other corporation, acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons who are, by any law of this state, entrusted with the management and direction of such turnpike, road or bridge, or any of the rights or privileges aforesaid; every contract or transfer made in pursuance of the power and authority herein granted, when executed by the several parties, under their respective corporate seals, shall vest in the company herein incorporated, all the rights and privileges, and the right to use and enjoy the same as fully as they are now used and enjoyed by the said corporation in which they are now vested.

Sec. 16. The said president and directors shall have power to purchase with the funds of said company, and place on any rail road constructed by them under this act, all machines, wagons, carriages or vehicles of any description, which they may deem necessary or proper, for the purpose of transportation on said rail road, and they shall have power to charge for tolls and transportation such reasonable sums as shall be established by the by-laws of the company hereby incorporated, not exceeding the rates hereafter to be charged on the road of the Michigan Central rail road company for like distances; and it shall not be lawful for any company or any other person or persons to transport any passengers, merchandise or property of any description whatever on said road, or any part of it, without the license and permission of said president and directors of said company; and the said road, with all its improvements, works and profits, all machinery used on said road for transportation, are hereby invested in said company incorporated by this act, and their successors forever; and the shares of the capital

stock of said company shall be considered personal property, and shall be transferable, agreeably to the by-laws of said company, and subject to be taken on execution, agreeably to such laws as are or may hereafter be in force, The right and privilege is hereby reserved to this state, or any company hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for, any other rail road leading from the main route to any part of this state : *Provided*, That in forming such a connection, no injury shall be done to the works of the company hereby incorporated; and the said company or companies so connecting, may have the free use of said road by paying the ordinary tariff or tolls established for said road; and this incorporation shall be entitled to the same rights and privileges to any and all roads hereafter connected.

When to
make divi-
dends.

SEC. 17. The president and directors shall annually, or semi-annually, declare and make such dividend as they may think proper of the net profits from the resources of said company, deducting the necessary current expenses, and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

Penalty for
wilful inju'y
to said road.

SEC. 18. If any person or persons shall wilfully, knowingly and maliciously remove a stake, alter, deface or injure in any manner, any bench, stake or fixture, set by said company, their agent, or other person in the employ of said company, or by any means injure, impair or destroy any part of the said road constructed by said company under this act, or any of the necessary works, buildings or machinery of said company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay to the said company a sum not exceeding five times the amount of damages caused by such offence, which may be recovered, in the name of said company, by an action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed.

SEC. 19. This act is hereby declared to be a public act, and copies thereof printed by the authorities of the state shall be received as evidence thereof.

SEC. 20. Said company shall, at all times, if required by the post office department, transport the United States mail upon said

road, as often as the cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches, three times per week, a like distance, upon the several post roads in the state: *Provided*, Nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

Shall transport U. S. mail.

SEC. 21. The directors of said company shall annually, on or before the tenth day of January, make a report to the secretary of state, which shall embrace the business of the preceding year, to the first day of December, stating the length of their road in operation; cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution, on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be; the amount of capital stock subscribed, and the amount actually paid in; the amount of dividend; the receipts from freight, from passengers, and from all other sources on account of operating the road; the number of through and way passengers, respectively; the expenditures for the repairs of the road; for repairs of engines and cars, and other expenditures; which three last mentioned items shall include all the expenditures for operating the road, and the expenditures made for construction during the year; the number of engines; of passengers; of freight and other cars; the number of men in employment of the company, the number of miles run by passenger, by freight and other trains; which report shall be verified by the affidavit of at least two of the directors, and filed in the office of the secretary of state.

Directors to make report to secretary of state.

SEC. 22. The said company shall pay to the state an annual tax of one-half of one per cent. upon the capital stock paid in, and all loans made by said company for the construction of said road; which tax shall be paid in the last week in January in each year, to the state treasurer, and the property and effects of said company, whether real, personal or mixed, shall in consideration thereof be exempt from all and every other tax, by virtue of any laws of this state now or hereafter to be in force, except penalties by this act

To pay to the state (an annual tax.

imposed. And the inhabitants of this state shall have a lien upon the property of said company for all dues or demands against said company to the amount of one hundred dollars, originally contracted with [within] this state, which, after said lien of the state, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said company.

State to have
lien upon
rail road.

SEC. 23. The state shall have a lien upon the rail road of said company and its appurtenances and stock thereon, for all penalties, taxes and dues which may accrue to the state from said company, which lien of the state shall take precedence of all other debts or demands, judgments or decrees against said company.

Repealing
clause.

SEC. 24. The legislature may at any time hereafter alter, amend or repeal this act, by a vote of two-thirds of each branch thereof, but no such alteration, amendment or repeal shall be made within thirty years from the passage of this act, unless the legislature shall determine that said company has violated some of the provisions of this act.

Approved March 17, 1847.

[No. 83.]

AN ACT to incorporate the Hillsdale and Coldwater Plank Road Company.

Incorporat'n

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Orsamus B. Clark, Henry Waldron and Patrick McAdam, be, and they are hereby appointed commissioners, under the direction of whom, or the majority of whom, subscriptions may be received to the capital stock of the "Hillsdale and Coldwater Plank Road Company" hereby incorporated; and they shall cause books to be opened for the subscription of said stock in the village of Hillsdale in the county of Hillsdale, and in the village of Coldwater, in the county of Branch, first giving twenty days notice in at least one public newspaper, printed in the county where said books are to be opened, of the time and place of opening the same in said county; and the subscribers thereto, in pursuance of this act, and their lawful successors and assigns, are hereby constituted and declared a body corporate by the name of the*

"Hillsdale and Coldwater Plank Road Company," and shall be capable in their corporate name to purchase and hold such real and personal estate as may be necessary for the construction or repair of said road, the bridges and toll gates thereon, or for the erection of toll houses or other necessary buildings.

SEC. 2. The said corporation shall be subject to the provisions of chapter fifty-five of the revised statutes, approved May 18th, 1846, Subject to certain provisions. except so far as the same are inconsistent with the provisions of this act.

SEC. 3. The capital stock of said company shall be one hundred and twenty-five thousand dollars, to be divided into five thousand Capital stock shares of twenty-five dollars each; and it shall be lawful for the said commissioners whenever twenty-five thousand dollars shall have been subscribed, (if within three years from the passage of this act,) to call a general meeting of the subscribers at such time and place as they may appoint, giving twenty days' notice thereof in some newspaper published in each of the counties of Hillsdale and Branch, at which meeting, the said subscribers, or such of them as may attend, being a majority in interest of the stockholders, may proceed to organize said company by the determination and election of proper officers and the adoption of suitable by-laws not inconsistent with this act; and every stockholder, either in person or by proxy, shall be entitled to one vote for each share held by him.

SEC. 4. At the time of subscribing for such stock, each subscriber shall pay into the hands of the said commissioners one dollar on To pay \$1 on each share. each share subscribed, and at the said first meeting of said company no person not having made such payment shall be permitted to vote or act as a member thereof; and said commissioners shall pay over all money paid to them on said stock as aforesaid to such officers as said company shall direct after the same shall have been organized.

SEC. 5. The said company shall have power, in such manner, Power of company. and at such times, as it shall by vote determine, to make calls on each share of capital stock until the whole amount of capital subscribed is paid in, and may declare forfeited and sell all shares on which such calls shall not be duly paid.

To survey
and lay out
road.

SEC. 6. The said commissioners, or a majority of them, are hereby empowered and authorized to survey and lay out on the line of any existing highway or elsewhere, a road commencing at the village of Hillsdale, and running thence westerly on the most eligible route to Coldwater: *Provided*, That said road shall not be laid out on the line of any existing highway without the written consent of the highway commissioners of the township in which such highway may be.

Damages:

SEC. 7. The damages sustained by any person or persons by reason of the laying out and opening of said road may be ascertained by the agreement of the owner or agent of the owner of the land through which said road may be run with the commissioners aforesaid; and in case such agreement be not made, or in case the owner or agent of the owner of the land shall not in writing release all claim for damages for the right of way to said corporation, the same shall be assessed by six disinterested freeholders of the county in which the land lies, who shall be summoned, and shall, as near as applicable, proceed in making such assessment in the manner provided by the laws of this state for assessing damages sustained by laying out public highways, and a certificate of such assessment filed in the office of the clerk of the county in which the land lies.

Com'rs to
cause map
to be made
and filed in
office of re-
gister of
deeds:

SEC. 8. Said commissioners shall cause a correct map and survey of so much of said road as shall be laid out by them in each county, to be made and filed in the office of the register of deeds of such county, designating such parcels of land through which they have laid said road upon which the damages as aforesaid have been assessed; and upon the payment of the amount so assessed, or a tender thereof by said company to the owner or his agent, and when such owner is not a resident of the county where the land lies, upon payment of the same to the county treasurer of that county for the use of such non-resident owner, the right of way through such land shall be as fully vested in said company as if the same had been conveyed by the owner of the land to said company.

To constru't
and keep in
repair plank
road.

SEC. 9. The said company shall, and is hereby authorized and empowered, to construct and keep in repair, a plank road on the

route so laid out and established, from the village of Hillsdale to the village of Coldwater; said road to be built of good plank, not less than eight feet long and three inches in thickness, and shall have power to grade, ditch and drain the road in such a manner as may be necessary or convenient for that purpose; and at the intersection of said road with other roads, it shall be so constructed as to afford easy and safe access thereto or passage thereover, for wagons, carriages or other vehicles.

SEC. 10. The said company, while constructing said road, shall cause no unnecessary impediment or obstruction to the travel on any highway on which they may construct said road.

SEC. 11. The directors of said company may commute with the subscribers to the stock of the company by allowing them in lieu of paying their subscription in money, to take contracts (on giving satisfactory security for the fulfillment thereof) for the furnishing of materials or the executing of any part of the work to be done on said road.

May commute with subscribers.

SEC. 12. As soon as the said company shall notify the governor or acting executive of the state, that at least five miles of said road is constructed, he shall thereupon appoint three discreet and disinterested persons as commissioners to view the same, and report in writing to him whether the road is constructed according to the provisions of this act; and if they shall report in the affirmative, he shall forthwith authorize the said company to erect so many gates upon and across said road as may be necessary and sufficient to collect the dues and tolls hereinafter granted to the said corporation from all persons travelling on or using the same; and this may be done as often thereafter as any other portion of said road shall be finished, not less than five miles in extent; but not more than two whole toll gates, or one whole toll gate and two half toll gates, shall ever be placed across said road, and not more than a proportionate number, according to the distance said road shall be completed.

To appoint com'rs.

SEC. 13. As soon as five miles of said road shall have been completed, and permission granted as aforesaid, to erect a whole or half toll gate or gates upon and across the same, it shall and may be lawful for the directors of said company to appoint toll gatherers to collect and receive of and from all and every person and per-

May appoint toll gatherers.

sons using or travelling on said road at each and every of said whole toll gates, and at each half toll gate or gates in proportion, such tolls and duties to wit: For cattle, driven over the road, six cents **Rates of toll** for every score; for every wagon drawn by two horses, mules or oxen, twelve and a half cents, and four cents for each additional horse, mule or ox; for every coach, pleasure wagon or carriage drawn by two horses, twelve and a half cents, and each additional horse, four cents; for every chaise, sulkey, wagon or pleasure vehicle drawn by one horse, ten cents; for every cart drawn by two oxen, ten cents; for every horse or mule, led or driven, not attached to a vehicle, four cents; for every horse and mule, with its rider, six cents; for all sleighs and sleds drawn by horses, mules or oxen, if the same are used for burthen, half the tolls on wagons, and if the same are used for pleasure, half the tolls on pleasure vehicles on wheels; and it shall be lawful for every toll gatherer to stop and detain any person or persons, and any property above named in this section until the lawful toll be paid: *Provided*, That no toll shall be demanded from any person going to or returning from funerals or public worship, or from any person going to or returning from part of the farm on which such person resides, or from any person using said road for a distance not exceeding one mile either way from the residence of such person, nor from any troops in the service of the United States or of this state.

Penalty.

SEC. 14. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger, or property at either of said gates, or shall demand or receive more tolls than by this act are established, he shall, for every such offence, forfeit and pay twenty-five dollars, to be recovered by the person or owner of the property so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattels of such toll gatherer can be found to satisfy such judgment and costs, then, in that case, the personal property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

SEC. 15. Whenever complaint shall be made to either of the three

commissioners appointed in pursuance of the twelfth section of this act, that any part or parts of said road is out of repair, it shall ^{Duty of} ^{com'r.} be the duty of such commissioner to give notice to the other two commissioners, who, with him, shall proceed to examine such part or parts of such road, and if they find the same to be out of repair, then the said commissioners shall give notice in writing of such defect to the toll gatherer or person attending the gate nearest the place so out of repair, and may also, in their discretion, in the said notice, order such gate or gates to be thrown open; and the said gate or gates so ordered to be thrown open, shall, after service of such notice as aforesaid, be and remain open, and no tolls shall be demanded until after such road is put in complete repair; and if such keeper of the gate shall not immediately, after the receipt of such notice, open the gate and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or shall take or demand any toll from any person or persons, after receiving such notice, and until such repair are completed as aforesaid, the toll gatherer or gate keeper so detaining any person as aforesaid, shall forfeit and pay to the person so detained the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace in the county where such detention occurs; and the property of the said company shall be liable on said judgment, and the same may be taken on any execution issued thereon, in the same manner as if the same were against said company in its corporate name; and the said commissioners, appointed under and by virtue of this act, shall receive as a compensation for their services, at the rate of one dollar and fifty cents per day for the time actually employed, to be paid by the toll gatherer nearest to where the service was rendered, on the warrant of the secretary, countersigned by the president, out of the moneys collected at such places; and in default of such payment, the toll gatherer and the stockholders of said company shall be individually liable to said commissioners.

SEC. 16. The said directors shall keep a set of corporate books, ^{Books to be} open at all times, to any or all of the stockholders, in which shall ^{kept open.} be entered the cost of the construction of said road and fixtures,

and also the expenditures of said company, and all moneys by them received, and an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said company whenever it shall be required.

Forfeiture
in case of
neglect.

SEC. 17. If the said company shall not complete five miles of said road within five years from the passage of this act, and the balance of said road within ten years from the passage of this act, then the charter of such portion of said road as shall not have been so completed, shall become forfeited; or if either of said toll gates shall be kept open for the period of two months after notice is given that said road is out of repair, agreeably to the provisions of the fifteenth section of this act, then, and in that case, the powers and privileges granted to said company by this act shall cease, and be null and void.

Liability.

SEC. 18. The stockholders of said company shall be individually liable to the amount of stock owned and paid in by such stockholders respectively, for the debts and liabilities of said company: *Provided*, No execution shall issue against such stockholders, until the corporate property liable to execution shall have first been exhausted.

To pay an
annual tax.

SEC. 19. The said company shall pay to the state an annual tax of five mills on a dollar on all the capital stock paid in, and upon all loans for the construction of said road, to be paid in December, in lieu of all other taxes.

SEC. 21. This act shall take effect and be in force from and after its passage, and the legislature may at any time hereafter alter, amend or repeal this act, by a vote of two-thirds of each branch thereof.

Approved March 17, 1847.

[No. 84.]

AN ACT to amend the Revised Statutes of 1846, concerning the Assessment and collection of Taxes.

Revised statutes
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section eighty-two of chapter twenty of the revised statutes of 1846, be amended by adding

thereto the following: "And in case of the loss of such certificate of sale, the purchaser or his legal representative or assignee, may file his affidavit of such loss, and that he was at the time of such loss the bona fide and legal holder thereof, and the auditor general shall thereupon execute as aforesaid a deed for the lands described in the said certificate, in the same manner as though it had been presented and surrendered. Any person who shall make an affidavit as above required, or concerning any other matter, which may be filed in the office of the auditor general, shall be liable to the penalties of perjury for any false statement made in such affidavit, with intent to defraud, upon conviction thereof before a court having jurisdiction of the offence."

Sec. 2. Any person interested in any of the lands sold for the taxes due thereon, may at any time within one year next succeeding the sale thereof, redeem any parcel of said lands, or any part or interest in the same, by paying at his option into the state treasury, or to the treasurer of the county in which such lands are situated, the amount of redemption money and interest as ascertained and provided by the eighty-third and eighty-fourth sections of chapter twenty aforesaid. ^{May redem lands.}

Sec. 3. Upon the payment of the redemption money and interest to the county treasurer as aforesaid, he shall issue duplicate certificates of redemption in the usual form, both of which certificates shall be countersigned by the county clerk, who shall make an entry of the number of each certificate, the amount for which it was given, and the name of the person paying the same; one of which certificates shall be delivered to the person making the payment, and the other shall be transmitted by the county clerk to the auditor general, on the first Monday in each month, in the same manner as is now required for the transmission of duplicate receipts. ^{To issue certificate.}

Sec. 4. Whenever the auditor general shall be satisfied that any deed executed by him upon the sale of any land for taxes, has been erroneously executed and ought to be cancelled, he shall, on application of the person claiming the premises, give the applicant a certificate of the same duly executed and proved and acknowledged, as other documents for record are proved and acknowledged, ^{1b.}

and whenever such certificate so proved and acknowledged shall be presented to the register of the proper county, where said deed shall have been recorded, the said register shall record the same, and cancel the said deed of record, by a short memorandum written on the margin, or on the face of said deed, stating the substance of said certificate; and thereupon the said deed shall be absolutely void, so far as the lands described in the said deed and in the said certificate are identical.

Am't of redemption certificate to be charged to county.

SEC. 5. The total amount of such redemption certificate shall be charged by the auditor general to the county returning the same, if the amount shall be found by the books of his office to be due such county; and if not thus due, then the said amount shall be deposited in the state treasury by the county treasurer, at such times as the auditor general shall require; and if the said county treasurer shall refuse or neglect for thirty days after such requirement to pay over or deposit the amount as aforesaid, he shall be subject to a prosecution by the auditor general, under the provisions of the thirty-sixth section, chapter one hundred and fifty-four of the revised statutes of 1846, and upon conviction shall be punished as therein mentioned.

To execute bond.

SEC. 6. Every county treasurer shall on or before the first day of June next succeeding his election, execute to the auditor general a bond, in such sum as the said auditor shall direct, with three or more sureties to be approved of by the prosecuting attorney of the proper county, and the said auditor, conditioned that such treasurer, his deputy and all persons employed in his office, shall render a just and true account of all moneys received by him or them for sales of lands at the annual tax sales, and for redemptions thereof, and all other money which may otherwise come into his or their hands, belonging to the state, and that he or they shall faithfully and promptly pay to the state treasurer all such moneys received as aforesaid, whenever required so to do by the auditor general, which bond shall be filed in the office of the said auditor.

In case of neglect aud. gen'l to employ another person.

SEC. 7. In case the said county treasurer shall refuse or neglect to execute and file such bond at the time and in the manner aforesaid, the auditor general shall employ in behalf of the state some other person to conduct the annual sales of lands delinquent for

taxes, and to receive payment therefor under his direction, any law to the contrary notwithstanding, upon such person executing and filing with the said auditor a similar bond with sureties as above mentioned, to be by him approved, conditioned for the faithful and prompt payment to the state treasurer of all moneys which may come into his hands, as the proceeds of such sale or otherwise, belonging to the state, whenever required so to do by the auditor general, as aforesaid, and a reasonable compensation for the services of such person shall be allowed and paid out of said proceeds.

Sec. 8. In all cases when lands sold for taxes have been conveyed by deed, and the auditor general deeming the title invalid, shall cancel the deed pursuant to law; he shall at the time of offering to the purchaser his money and interest as the law requires, also briefly state the reasons for such cancellation. Aud gen'l to cancel deed.

Sec. 9. Whenever any township treasurer shall not be able to collect any tax on personal property on account of the absence of the person so taxed, or for any other cause, the county treasurer, if required, shall issue a new warrant to the treasurer of the township for such tax, and it shall be the duty of the township treasurer to renew his office bond, and thereupon the said warrant shall be and remain in force for the purposes of such collection until the next annual meeting of the board of supervisors unless the tax is sooner collected, and the said township treasurer shall charge ten per cent interest on all such taxes from the first day of February until the day of collection: *Provided*, Said bond shall not be renewed unless the tax uncollected shall exceed five dollars. To issue new warra't to township treasurer.

• Sec. 10. All after the word "redemption," in the seventh line of section one hundred and two, in chapter twenty aforesaid, be and the same is hereby stricken out; and from and after the first day of October, eighteen hundred and forty-seven, the remainder of the said section shall be and the same is hereby repealed, and the following shall be substituted: "Any person may redeem any lands, or any part or interest which shall be clearly defined in any lands heretofore bid in, or that may be hereafter bid in for the state, at any time within one year next succeeding the sale at which the same was bid in, by paying into the state treasury on the certificate of the auditor general, the amount for which the same was so bid in, with Certain section amended.

Aud. gen'l
in his dis-
cretion omit
to carry this
act into
force.

which relates to redemption and sales of the lands bid in by the state, or the sales of the bids therefor, as aforesaid, should in any case be such in the opinion of the auditor general and attorney general, as to jeopardize the interest of the state, or prove disadvantageous thereto, the auditor general shall omit to carry the provisions of this act into force, so far as relates to such case or cases, and shall report thereon to the legislature at its next session.

Sec. 17. All laws contravening the provisions of this act, together with sections one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and ten and one hundred and fifteen of chapter twenty aforesaid, be and the same is [are] hereby repealed.

Approved March 17, 1847.

[No. 85.]

AN ACT to authorize the re-assessment of certain taxes in the township of Irving in the county of Barry.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of the county of Barry be and they are hereby authorized to cause to be levied and collected upon the taxable property in the township of Irving in said county, the full amount of all the unpaid state and county taxes which were assessed upon the property of said township in the years eighteen hundred and forty-three and eighteen hundred and forty-four, which said taxes shall be levied and collected with the taxes for the year eighteen hundred and forty-seven in said township, and in the same manner.

Sec. 2. This act shall take effect from and after its passage.

Approved March 17, 1847.

[No. 86.]

AN ACT to incorporate the Detroit River Sectional Floating Dock, Dry Dock, and Marine Railway Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles Moran, Edmund A. Incorporat'n

Brush, Oliver M. Hyde, William Goodin, Thomas Palmer and B. F. H. Witherell, or their assigns, and such other persons as now are, or may be hereafter associated with them, are hereby constituted a body corporate, by the name of the "Detroit River Sectional Floating Dock, Dry Dock, and Marine Railway Company," for the purpose of constructing, using and providing, on the borders of the Detroit River, one or more dry or wet docks, with marine railways, and other conveniences for building and repairing vessels of every description, and also for sawing lumber: *Provided*, That nothing in this act contained shall extend, or be construed to authorize the said company to carry on the business of banking, brokerage, or any other business whatever, except such as properly belongs to the business of a dry dock.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but it shall be lawful for the said corporation, when five thousand dollars shall have been subscribed and paid in, to commence the said business, and with that capital to carry on the operation of the said company, until they may find it necessary to extend their capital, which they are authorized to do from time to time, to the amount hereinbefore mentioned. Capital stock

SEC. 3. The corporation hereby created, shall be capable of purchasing, holding and conveying or hireing such lands, tenements and hereditaments, as may be necessary to carry into effect the objects of said corporation and no other. Capable of purchasing, &c.

SEC. 4. A book for subscriptions to the capital stock of said company, shall be opened, under the direction of Rollin C. Smith, B. F. H. Witherell and Oliver M. Hyde, or any two them, who are hereby appointed commissioners for that purpose, and authorized to receive subscriptions to the capital stock, on such day and at such place in the county of Wayne, in the State of Michigan, as they shall appoint, giving at least fourteen days' notice of such time and place of subscription, in one of the public newspapers printed in the city of Detroit, and the sum of one dollar on each share shall be paid to the said commissioners on such subscriptions as they shall receive as aforesaid; in case the said sum of five thousand dollars of the stock should not be taken on said day, then the said To open books for receiving subscriptions.

commissioners, or a majority of them, are authorized, on such other day or days, and at such place as they shall appoint, to receive further subscriptions, until the whole stock shall have been subscribed.

By whom af-
fairs, &c., of
company to
be conduc-
ted.

SEC. 5. The stock, property and concerns of the said company, shall be managed and conducted by five directors, any three of whom, of them, may be a quorum to transact business; said directors may respectively hold their offices for one year, and until others are chosen: They shall be elected by such of the stockholders as shall attend for that purpose, either in person or by proxy, on such day, and at such place as shall be designated by the said commissioners, or a majority of them, [who] are hereby appointed inspectors of said election. The said directors then chosen, shall hold their offices until the first Monday in June, thereafter, and until others shall be elected in their stead. The directors, after the said term shall have expired, shall be chosen annually, on the first Monday in June in each year, at such place in the city of Detroit, as a majority of the members shall prescribe; of which election notice shall be given at least fourteen days previous, by publication in one of the newspapers published in the city of Detroit, and such election shall be holden under the inspection of two stockholders, to be appointed by the directors for the time being, and shall be by ballot, by a plurality of votes, allowing one vote for every share, and the stockholders not present may vote by proxy.

Directors to
keep books.

SEC. 6. The directors shall at all times keep, or cause to be kept, at their office, proper books of account, in which shall be regularly entered all the transactions of the said corporation, which shall at all times be subject to the inspection of the stockholders; and the directors on going out of office shall account to their successors, and pay over all moneys of the company in their hands.

SEC. 7. This corporation shall continue for twenty-one years.

Powers, &c.,
of compan

SEC. 8. The said corporation shall possess the general powers and be subject to the general duties and liabilities of a corporation, as defined in chapter fifty-five, of title ten, of the revised statutes, passed and approved May eighteenth, in the year one thousand eight hundred and forty-six.

SEC. 9. The legislature may at any time alter, modify or repeal

this act, allowing said corporation a reasonable time to settle up the business of the corporation.

SEC. 10. The inhabitants of this state shall have a lien upon the stock and appurtenances, and upon the property of said company, ^{Lien.} for all dues or demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said company.

Approved March 17, 1847.

[No. 87.]

AN ACT to amend an act entitled an act to incorporate the Grand River Valley Rail Road Company, approved May 4, 1846.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section nineteen, of the act entitled "an act to incorporate the Grand River Valley Rail Road Company," approved May 4, 1846, is hereby amended by striking out the words "the mail," in the sixth line, and inserting "mails of of like weight." ^{Certain act amended.}

SEC. 2. That section twenty-one of said act be amended by striking out "fifty-one," and inserting "sixty-one," in the third line thereof.

SEC. 3. That section twenty-six be stricken out and insert in lieu thereof, "that any inhabitant of this state shall have a lien upon all the personal property of said company for all dues or demands against said company originally contracted within this state of or under one hundred dollars, which shall take preference of all other debts or demands, judgments or decrees, liens or mortgages against said company, except as provided for in section twenty-four of the act to which this act is amendatory." Amend further by striking out of the first section of the act to which this act is amendatory, the names of Harvey Williams, Benjamin Porter, Ira C. Backus, Allen Burnett, Jr., Amos Roberts, Philo M. Everett, John Garrow, Lewis Bascomb and Benjamin Knight; also amend section two of said act by striking out "two," in the third line and inserting "one" in place thereof.

1b. Sec. 4. That section twenty-eight of said act be so amended as to read as follows: "The legislature may at any time alter, amend or repeal the charter of said company after thirty years from the passage of this act, by a vote of two-thirds of each branch, or at any time for a violation of said charter."

1b. Sec. 5. That the sixteenth section of said act be, and the same is hereby amended by striking out all that part of said section after the word "rates," in the eighth line, down to and including the word "company," in the ninth line, and insert in lieu thereof, the words "charged on the Michigan Central Rail Road on the first day of January, 1846."

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

[No. 88.]

AN ACT to incorporate the St. Mary's Canal Company.

Incorporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That such persons as may hereafter become stockholders therein, shall be, and they are hereby declared to be a body corporate and politic, under the name and style of the St. Mary's Canal Company, for the purpose of opening and constructing a canal navigation, with suitable locks and basins, around the falls of St. Mary's, at the outlet of Lake Superior, within the state of Michigan; and they, with their associates and successors, shall so continue to have succession for the period of fifty years from and after the passage of this act, and by that name are hereby capable in law as natural persons to contract, and be contracted with; to sue and be sued; plead and be impleaded; answer and be answered, and in all courts of law or equity in this state and elsewhere; to make, have and use a common seal, and the same to alter or amend at pleasure. They shall also have power to purchase and hold as much real estate as may be necessary for the site of said canal, roads, buildings, docks, basins, and the proper application of the water power that may arise from the proper construction of said canal; and also to borrow money to any amount

not exceeding the capital stock hereinafter mentioned, for the purposes of constructing the canal, locks and basins aforesaid; also, the power to ordain and establish such by-laws, ordinances and regulations as shall be necessary for the well being and government of the concerns of said corporation, not contrary to the constitution and laws of this state or of the United States: *Providing*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, or any other business whatever, except such as properly belongs to opening, constructing and maintaining the canal, locks and basins aforesaid.

SEC. 2. That the canal to be opened and constructed as aforesaid, shall be no less than one hundred feet in width on the surface of the water therein, and eighty feet in width on the bottom, and of a depth sufficient at all times for the passage of vessels drawing ten feet water. The fall in said canal to be overcome by not more than three locks, of equal lift, to be not less than two hundred and fifty feet in length, and sixty feet in width each, and built of stone; the right of way to be taken by the said company for the route of said canal shall not exceed five hundred and fifty feet in width; but nothing in this act contained shall be so construed as to confer on the said company any privileges or franchises which shall in any way conflict with the laws of the United States or of this state.

SEC. 3. That the capital stock of said company shall consist of three hundred thousand dollars, with the privilege of increasing the same to four hundred thousand dollars, divided into shares of one hundred dollars each, to be subscribed in the manner hereinafter mentioned; but no subscriptions shall be received to the stock of said company by the commissioners hereinafter mentioned, unless the same shall be accompanied by the payment of ten per centum on the amount thereof.

SEC. 4. That three persons, to be named by the governor of this state, shall be constituted commissioners, who, or a majority of them, shall cause a public advertisement to be made of the time and places of opening books for the subscription of the stock of said company; and books of subscription shall be kept open under the direction of the persons aforesaid, or a majority of them, not less

than thirty days, nor more than ninety days. If, however, at the closing of the subscription, it shall be found that a greater number of shares shall have been taken than the number of three thousand, then, and in that case, the persons aforementioned, or a majority of them, shall proceed to reduce the subscription in an equitable proportion among the subscribers, taking off from the largest subscribers, and not reducing any below ten shares.

When to
advertise
meeting.

SEC. 5. That whenever the capital stock of said company shall have been subscribed, the persons aforesaid, or a majority of them, shall advertise a meeting of the shareholders of said company in the city of Detroit, giving at least sixty days' notice of the time and place of such meeting, and shall thereupon proceed to the election of a president and four directors, who shall be stockholders in said company, and also fix what compensation they shall be entitled to, if any is allowed; and also to ordain and adopt such other permanent by-laws for the organization of said corporation, as they may deem needful; in which meeting, as well as all future meetings or elections, each stockholder shall be entitled to one vote for every share he may hold; but after the first general meeting or election, no person, who is not a citizen of the United States shall vote on any shares in said company, either in person or by proxy. At all subsequent elections, no shares shall be voted on that have not stood in the name of the person claiming to vote, at least three months previous to the day of election. Shares may be voted by proxy duly recorded, and conforming to the foregoing qualifications.

When and
where to be
held.

SEC. 6. That the president and directors first chosen shall hold their offices until the first Monday of July, one thousand eight hundred and forty-eight, or until others are chosen in their places. On the first Monday of July in each year, the stockholders of said company shall meet at their office, or some place to be designated by the president and directors in the city of Detroit, and then proceed to choose a president and four directors, who shall be stockholders in said company, and resident citizens of the United States, and who shall hold their offices for one year, and until others shall be elected in their places; public notice of such meetings and elections to be given by the clerk or secretary of the company, in some public newspaper, at least sixty days previous to such meeting or

election. At the annual meeting, a statement of the affairs of the company shall be made out, and presented to the meeting by the president and directors, and such dividends of the profits declared as they may deem advisable, subject to the limitations hereinafter mentioned.

SEC. 7. That the concerns of said corporation shall be under the control, superintendence and management of the said board of president and directors, a quorum of which to do business, shall consist of the president and two directors, or in the temporary absence of the president, of three directors, who may appoint one of their number as president, *pro tem*. The president and directors may, after they shall have been duly elected as aforesaid, make such assessments on the shares subscribed, and payable at such periods as they may deem proper, with such conditions of forfeiture for non-compliance, not exceeding the amount of the stock delinquent, as they may deem advisable. They may open or renew the subscription for the shares not already subscribed, or dispose of them in any manner they may think proper for the interest of the company: *Provided, however,* That they shall not sell any stock or shares in said company at less than the par value thereof; and also, that proper notice of the time and place of said subscription or sale is given in one or more public newspapers.

Who to control said corporation.

SEC. 8. That it shall be the duty of the president and directors to appoint a clerk or secretary, a treasurer, and such other officers or agents as they may think needful for prosecuting the said undertaking, and to allow them such pay or compensation as they may agree on; to make contracts, and do all things necessary for carrying the same into immediate effect; and require and take such bonds or other security, in their corporate name, from any person or persons they may so appoint or contract with. In case of the death, resignation, or vacancy from any other cause, in the said board of president and directors, the remaining members may proceed to appoint a stockholder or stockholders to supply the place or places of the president, director or directors, so vacated for the unexpired term for which he or they were elected.

Duty of president and directors.

SEC. 9. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land

Power of company.

Damages for
right of way
how ascer-
tained and
paid.

and real estate for the purpose of said canal as may or shall be made to said company, to aid in the construction, maintenance and accomodation of said canal; and the company may contract and agree with the owners or occupiers of any land upon which said company may wish to construct the said canal and appurtenances, or which said company may wish to use or occupy for the purpose of excavation, or of procuring stone, sand, gravel, earth or other materials to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said canal, locks and appurtenances, or which said company may wish to use or occupy in any manner, or for any purpose or purposes connected with said canal and appurtenances; for the which said company is authorized or empowered by this act to take, have or appropriate any land, and to receive and take grants and conveyances of any and all such lands, and of any or all interests or estate therein, to them and their successors or assigns in fee or otherwise; and in case said company cannot agree with the owners or occupiers of such land as aforesaid, so as to purchase the same by voluntary deed or act of such owners or occupiers thereof, or if the owners or occupiers, or either or any of them be a femme covert, under age, non compos mentis, unknown, or out of the county in which the land or property wanted may lie or be situate, application may be made to the circuit court commissioner, or either of the associate judges of such county in which the lands are situate, or a judge of the supreme court, previous notice of such application having been given to the owner or occupier of the land to be taken, either by personal service of such notice, ten days before making such application, or by public advertisement for three weeks previous to such application, in some newspaper printed in the same county, if there be one, and if there be none so printed in the same county, then such notice to be published in a newspaper printed in an adjoining county, if there be a newspaper printed in an adjoining county, and if there be no paper printed in an adjoining county, such notice to be published in the state paper, if there be one, and if there be none, then in some paper printed in the city of Detroit; such notice to describe the land proposed to be taken by the company, or touching which damages are to be assessed by the section and quarter

section, or if in a city or village, by the section, block and number of the lot, or by some other suitable and proper description; and evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published; such affidavit to be made within three months after the last publication of such notice, shall be prima facie evidence of the facts therein set forth; and the commissioner or judge to whom such application shall be made, who shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and the said judge or circuit court commissioner, to whom such application was made, shall thereupon issue his warrant under his hand and seal, inserting therein the twelve names so drawn by the clerk; and the twelve names so drawn from the petit jury box, shall be thereupon deposited again by the clerk in said box, and the warrant so issued as aforesaid, shall be directed to the sheriff of said county, or if the sheriff be interested, then to one of the coroners of said county, requiring him to summon the twelve persons whose names are inserted in such warrant as jurors, to meet on or near the land or property or materials to be valued, or touching which are damages to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same; and if at the said time and place any of the persons summoned do not attend, the said sheriff or coroner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or coroner for him, her or them, may strike off three jurors, and the remaining six shall sit as a jury of inquest of damages, and before they act as such, each of them shall take and subscribe the following oath or affirmation, to be administered by the sheriff or coroner: "I do solemnly swear (or affirm) that I am not either directly or indirectly interested in the lands or materials to be appraised, nor in the property or stock of the St. Mary's Canal Company; that I have not been, am not and do not expect to be in the em-

How jury shall be selected.

Form of jurors oath.

ployment of said company, and that I will justly and impartially value the damages which the owners or occupiers have sustained or will sustain by the use or occupation of the land or the taking of the materials or property required by said company," and the jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to the said company, and the other to the party claiming compensation; and the property taken, and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and a map thereof shall be set forth in such inquisition; and such inquisition shall be filed in, and shall be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made, if no sufficient cause to the contrary be shown, and when confirmed the same shall be recorded by the clerk of such court at the expense of said company; but if not confirmed, another inquisition may be taken in the manner above specified, and costs on such second inquisition shall be awarded by the court in their discretion, to be paid by either party: *Provided*, That in the taking of any inquisition authorized by this section, it shall be competent for said company and said owner or occupier, or either of them, to appear before said jury and introduce evidence under the ordinary rules of law, the foreman of the jury being hereby authorized to administer the proper oath therefor; and the money assessed as the valuation in any such inquisition by the jury aforesaid, being paid or legally tendered to the party entitled to the same, or deposited with the state treasurer, subject to the order of the court confirming the inquisition as aforesaid, the property so taken and valued shall immediately thereupon vest in said company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof, for such term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the jury which makes the inquisition and make claim of such lands, or shall not appear to demand or accept the money assessed as the valuation of any such inquisition, then a deposit with the treasurer of this state, with the amount of money assessed as the valuation or

Evidence
before jury.

When dam-
ages to be
deposited
with state
treasurer.

damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or tender thereof, to the person entitled to the same ; and the state treasurer shall receive and keep account of all moneys so received into the state treasury, and shall pay them to the parties entitled thereto, on the order of any judge of the supreme court ; and such inquisition, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person to whom damages were awarded by such inquisition and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damage found or assessed by such inquisition in manner aforesaid ; and if at any time it shall happen that the said company shall be in possession or occupancy of any land, the title to which or the full right of the use and occupancy whereof for the purposes of said company in manner aforesaid, shall not have been relinquished to or vested in said company, then in any and all such cases said company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed ; and the commissioner or judge issuing the warrant, and the sheriff or coroner and jurors to be summoned under this act, shall be entitled for the services rendered by them, to such compensation as may be fixed therefor by the judge of the supreme court as aforesaid, by an order for that purpose to be made by him, and which costs shall be paid by the company.

Fees of
com'r, &c.

Sec. 10. That it shall and may be lawful for the said president and directors, by themselves, their agents or workmen, to enter with such force as they may employ, for that purpose, upon the lands contiguous or near the proposed canal, and from thence to take and carry away any earth, stone, timber, gravel, &c., being most convenient for making or repairing said canal and appendages, making proper compensation therefor to the owners of said land, if they can agree therein ; but in case of disagreement, then it shall be settled by valuation in the manner before recited. And when the said canal shall be completed as aforesaid, the president and di-

May enter
upon lands
of others.

Rates of toll rectors, by themselves, their agents or servants, shall have power and authority to demand and receive from the owner or owners, master or agents of all steamboats, vessels, boats, barges or other craft, entering the said canal, the following rates of toll, to be paid before the said steamboat, vessel, boat, barge or other craft, shall be suffered to pass through the same, to wit: For steamboats, vessels, boats, barge or other craft, twenty cents per ton, United States measurement; for each raft of timber, plank or other lumber, four dollars for every sixty feet in length, not exceeding twenty feet in width, and in that proportion. The said president and directors shall fix and establish such sums as they may deem advisable, for the use of the docks, basins or other appendages to the said canal; which rates with the foregoing rates of toll, shall be posted up in some conspicuous place on the said canal, and no other or greater rates shall be demanded than those posted up.

Penalty for wilful injury &c. SEC. 11. That if any person or persons shall wilfully and knowingly do any act or thing whatever, whereby the said navigation or any lock, gate, dam, engine, machine or other thing thereto belonging shall be injured or damaged or impeded, or shall commit any wilful trespass, or take, carry away or conceal, any material, instrument, tool or other thing belonging to or used in or about the said works, or shall open or cause the locks to be opened, or attempt so to do, or pass or repass without the knowledge of the agent or manager to said canal, he, she or they so offending shall forfeit and pay to the said canal company, their tenant or agents, three times the amount of the cost or damages sustained by means of, or through such wilful act, together with costs of suit, to be recovered before any court of competent jurisdiction, and in case of clandestinely taking and carrying away, be liable to a prosecution for theft.

To file account with sec of state. SEC. 12. That the said president and directors shall keep a true account of the cost of said canal and appendages, and within twelve months from the completion thereof, shall make up the said amount, under oath, and file the same in the office of the secretary of state of this state. They shall also on the first day of January annually, file a statement under oath as aforesaid, of the business of said company during each year, showing the amount of its profits and the dividends declared and paid; and if it shall appear by

the statement aforesaid, that the profits so divided shall exceed ten per centum on the capital expended, the excess above that amount shall be paid into the treasury of this state *Provided*, That no such excess shall be paid into said treasury until said company shall receive by profits a sum equal to seven per centum per annum on the capital stock invested.

SEC. 13. That the said canal shall be commenced within two years and completed and in readiness for operations within five years from the passage of this act, and unless so commenced and completed, said corporation shall be dissolved, and this act shall thereupon cease to exist and shall be of no force or validity.

When to commence work.

SEC. 14. That it shall be competent at any time for the Congress of the United States, or the legislature of this state to purchase from the said company all the interest and rights they may acquire in virtue of this act of incorporation, by the payment to said company of such sum or sums of money as shall have been expended on the said work, or for which said company in the construction thereon may be liable, together with interest at the rate of ten per cent. per annum, from the time of such expenditure, and on such payment being made, the said canal and appendages shall pass by said purchase, and the said company shall be thereupon wholly dissolved, and the rights and franchises herein created shall cease: *Provided, however*, That in case the said purchase as aforesaid shall be made after the accruing of any profits from any of the franchises hereby granted, such profits shall be, and are hereby declared to be a part of the ten per centum interest above provided for.

Congress or state may purchase canal.

SEC. 15. That the consent of this legislature is hereby given that the Congress of the United States may make all such appropriations as may be necessary for the opening of the said canal as aforesaid, and may pass such laws as may be necessary for adopting the same as a national work; and with that view, full power is hereby granted to the United States to take and have possession of the same, and to impose such duties and tolls in lieu of those hereinbefore provided, as Congress shall deem proper: *Provided*, Such tolls shall not exceed such sum annually, as shall be necessary to meet the expenses of necessary attendance and repairs thereof.

Congress may make canal a national work, &c.

SEC. 16. That the state shall have a lien upon the works and pro-

State to
have lien
upon works
&c.

perty of said company for all dues which may accrue to the state from said company, which lien of the state shall take precedence of all other debts or demands, judgments or decrees against said company; and the inhabitants of this state shall have a lien upon the tolls and property of said company for all dues or demands against said company to the amount of one hundred dollars, originally contracted within this state, which, after said lien of the state shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said company; and the state shall in no wise be liable for any damages or demands that may in any event arise from laying out or the construction of said canal by virtue of this act.

When canal
to become
property of
state.

Sec. 17. That at the expiration of the period limited for the duration of this charter, the said canal and its appurtenances, unless the same shall be purchased by the United States as aforesaid, shall become the property of the people of this state.

Sec. 18. The state reserves the right at any time for any violation of the provisions of this act, to alter, amend or repeal the same by a vote of two-thirds of each branch of the legislature.

Sec. 19. Said company shall pay, or cause to be paid, to the state treasurer, on or before the first day of December in each year, a tax of half of one per cent. on the capital stock paid in, and all loans obtained for purpose of constructing said works, which shall be in lieu of all other taxes.

Sec. 20. This act shall take effect and become a law from and after its passage.

Approved March 17, 1847.

[No. 89.]

AN ACT to amend an act entitled "an act to incorporate the Battle Creek and Grand Rapids Railroad Company," approved May fourth, eighteen hundred and forty-six.

Act amend-
ed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section eighteen of said act be amended by striking out the words "the mail" in the sixth line, and inserting "mails of like weight."

SEC. 2. That section twenty of said act be amended by striking^{lb.} out in the third line thereof, the words "fifty-one" and inserting "sixty-one" in lieu thereof.

SEC. 3. Strike out section "twenty-five" and insert in lieu thereof; "The state shall have a lien upon the rail road of said company^{lb.} and its appurtenances and stock thereon, for all penalties, taxes and dues which may accrue to the state from said company, which lien of the state shall take precedence of all other debts or demands, judgments or decrees against said company; and any inhabitant of this state shall have a lien upon all the personal property of said company for all dues or demands against said company to the amount of one hundred dollars originally contracted within this state, which after said lien of the state, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said company."

SEC. 4. That section twenty-seven be so amended as to read as follows^{lb.}: The legislature may at any time alter, amend or repeal the charter of said company after twenty years from the passage of this act, or any time for a violation of their charter.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

[No. 90.]

AN ACT appropriating certain Highway Taxes for the improvement of a Road in the Counties of Van Buren and Berrien.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all of the non-resident highway taxes which shall be assessed upon non-resident lands within one mile and a half on each side of said road, commencing on the east side of section ten, town three south, range fifteen west; thence westerly through the village of Brush Creek, in Van Buren county, and Waterford. in the connty of Berrien; thence west to the territorial road, intersecting such road about one and a half miles east of the village of St. Joseph, be and the same hereby appropriated for the improvement of such road aforesaid, for the period of two

Highway
taxes appro-
priated.

years from the passage of this act, to be expensed as hereinafter provided.

SEC. 2. That when any non-resident wishes to commute his road tax, hereafter to be assessed, his labor shall be expended on said road, and the special commissioner by the provisions of this act, shall direct when, where and how, the labor shall be performed.

Special
com'rs.

SEC. 3. That John L. Marvin, of Van Buren county, and Gilson Osgood, of the county of Berrien, be, and they are hereby appointed special commissioners, to disburse the moneys aforesaid, in their respective counties, who shall have power to let or contract any job of work upon said road, first giving public notice thereof, by posting up notices at the most public places within the several townships through which said road passes, which such notices shall be posted up at least ten days before the time of letting such contracts, and shall state where the work is to be performed; the time limited for the performance; the time when and where the jobs will be let to the lowest bidder, who shall give bonds with one or more sufficient sureties, to the special commissioners for the faithful performance of said contract.

Duty of spe-
cial com'rs.

SEC. 4. It shall be the duty of the special commissioners to make out a correct list of all the non-resident land designated by the first section of this act, and file the same with the treasurers of their respective counties wherein those lands are located; and it shall be the duty of the county treasurers to withhold from the several townships the moneys accruing on such non-resident lands, and pay over the same to the special commissioner.

SEC. 5. It shall be the duty of the special commissioner to render to the board of supervisors of each county, at their annual session, a true account of the application and disbursement of the money he may have received each year.

Oath.

SEC. 6. Before said special commissioners shall enter upon the duties of their office, they shall take the oath prescribed by this state, and file the same with the clerks of their respective counties, and before they shall draw moneys from the county treasurers, they shall give a bond with one or more sufficient sureties, in double the amount of the non-resident tax in this act appropriated, which bond shall be approved by the county treasurer, county re-

gister and judge of probate of their respective counties, and which shall be filed with the clerks of their respective counties.

SEC. 7. The special commissioners shall receive as a compensation for services, one dollar per day, when actually engaged in the business of such road, which amount shall be audited and allowed by the board of supervisors of their respective counties, and paid out of the fund created by this act, and the said board of supervisors may require said special commissioners to certify their account by affidavit. ^{Compensation.}

SEC. 8. In case the said special commissioners, or either of them, shall neglect or refuse to take and file the oath of office required by this act, within ninety days after the passage thereof, such neglect shall be deemed a vacancy, and all vacancies which may happen by death, removal or otherwise, shall be filled by the board of supervisors, or a majority of them, of the counties of Berrien and Van Buren, respectively, and any person so appointed, shall take and file the oath and bond as aforesaid. ^{Vacancy.}

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

[No. 91.]

AN ACT to authorize Alfred A. Hunter and John Y. Larzilere to construct and maintain a dam across the Huron River.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Alfred A. Hunter and John Y. Larzilere, their heirs and assigns, are hereby authorized to construct and maintain a dam across the Huron River in the county of Washtenaw, township of Ypsilanti, on French claim six hundred and ninety. ^{May construct dam, &c.}

SEC. 2. The said Alfred A. Hunter and John Y. Larzilere shall construct in said dam a gate or sluice in such manner that fish may pass up said stream, and shall also, upon order of the county judge of the county of Washtenaw, on good cause shown, construct in said dam a convenient lock for the passage of boats, rafts and other water craft.

Not entitled
to damages.

SEC. 3. If at any time hereafter the water should be required to be drawn from said river for any state work of internal improvement, the said Hunter and Larzilere, their heirs or assigns, shall not be entitled to any damages therefor.

SEC. 4. Nothing in this act shall be so construed as to authorize the persons named in this act to enter upon or flow the lands of any other person or persons.

Approved March 17, 1847.

[No. 92.]

AN ACT to provide for the Election of County Officers in the County of Houghton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the qualified electors in the several townships in the county of Houghton and the territory attached thereto, for judicial purposes, shall meet in their respective townships on the first Tuesday of July next, and elect county officers for said county.

SEC. 2. That such election shall be conducted in all respects in accordance with the existing provisions of law, except as to the time above mentioned.

SEC. 3. That the said officers so elected shall enter upon the discharge of their duties immediately after said election and hold their offices until the first day of January, in the year one thousand eight hundred and forty-nine, and until their successors shall be duly elected and qualified.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

[No. 93.]

AN ACT for the preservation and leasing of the Clinton and Kalamazoo Canal.

Aud. gen'l
and sec. of
state autho-
rized to
lease canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Auditor General and Secretary of state be and they are hereby authorized and empower-

ed to lease in writing under their hands and seals, the Clinton and Kalamazoo canal between the villages of Frederick in Macomb county, and Rochester, in the county of Oakland, for a term not to exceed five years, on such terms as they may deem promotive of the interests of this state. §

SEC. 2. There is hereby appropriated from the lands granted to this state by congress for internal improvement purposes, a sufficient number of, not exceeding five thousand acres to put said canal in good repair between the villages of Frederick and Rochester, under the direction of the Auditor General and Secretary of state; that under this appropriation, there shall be issued land scrip without interest, which shall be receivable at the state land office for any internal improvement lands of this state, in the lower peninsula, for sale at said office. Appropriation.

SEC. 3. The lessees or their assigns, shall annually, between the first Monday in January and the first Monday in February in each year during the time of said lease, make out a true account of all receipts from, and expenditures upon said canal, with the vouchers for the same, under the oath of two or more of said persons or their assigns, and file the same with the auditor general of the state. To file acc't with aud. gen'l.

SEC. 4. The state may at any time terminate the said lease, and resume the possession of said canal by giving six months' notice to said persons or their assigns, and by paying to said persons or their assigns such amount of money as they or their assigns may have expended in repairs upon the same, over and above their receipts from the same, as shall appear from the returns to the auditor general, pursuant to the preceding section. May terminate lease.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

[No. 94.]

AN ACT to revive the Poor Laws repealed by the Revised Statutes in certain Counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter thirty-eight, of the re- R. Statutes amended.

vised statutes of eighteen hundred and forty-six, is hereby repealed, so far as the same relates to the counties of Wayne, Calhoun and Van Buren, and that the poor laws in force on the twenty-eighth day of February, eighteen hundred and forty-seven, be, and the same are hereby revived, so far as said counties of Wayne, Calhoun and Van Buren are concerned.

SEC. 2. The supervisors of the said county of Calhoun may, at any lawful meeting, restore the distinction between township and county poor, by a vote of two-thirds of the members in attendance at such meeting.

Paupers to
remain town
poor.

SEC. 3. The paupers in the county of Wayne shall be, and remain county or town poor, the same as if the laws revived by this act had been continued in force and effect all of the time since their passage.

SEC. 4. This act shall be in force from and after its passage.

Approved March 17, 1847.

[No. 95.]

AN ACT to incorporate the Marshall Woolen Mills, in the county of Calhoun.

Incorporation

SECTION 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That Robert Cross, Oliver C. Comstock, Asa B. Cook, H. I. Perrin, Charles Dickey, Jarvis Hurd and George S. Wright, their successors and associates, are hereby created for the term of twenty-five years from and after the first day of January, 1847, a body corporate by the name of the "Marshall Woolen Mill," for the purpose of manufacturing woolen and woolen and cotton cloths, in the township of Marshall and county of Calhoun, capable of executing all the powers, entitled to all the privileges, subject to all the duties and liabilities specified in the statute, prescribing the general provisions for corporations, except so far as the same may be modified and controlled by the terms of this enactment.

Capital stock

SEC. 2. The capital stock of said corporation shall not exceed the sum of fifty thousand dollars, a part whereof, not exceeding twenty-five thousand dollars, may be invested in real estate, which said corporation is hereby authorized to hold.

SEC. 3. Said corporation shall have a treasurer and clerk, and ^{What officers to have} such a other officers and agents, as the members of the corporation may determine, to be appointed in such manner and for such term as the by-laws of said corporation may prescribe. The clerk shall be sworn to the faithful discharge of his duties, as the same may be prescribed in said by-laws; and the treasurer shall give bond in such a sum and with such sureties, as said by-laws may prescribe for the faithful discharge of his duty.

SEC. 4. The amount of the capital stock shall be fixed and limited by the corporation, in the manner prescribed by the by-laws, ^{Amount of capital stock limited.} not exceeding fifty-thousand dollars, and shall be divided into shares, and a record thereof be made by the clerk; said shares shall be numbered in progressive order, beginning at number one, and every stockholder shall have a certificate, under the seal of the corporation, and signed by the treasurer, certifying his property in such share, as shall be expressed in the certificate: *Provided*, That the real estate which this company may hold shall be only such as shall be necessary for the corporate uses of said company.

SEC. 5. Any shares may be transferred by the proprietor thereof, ^{Shares transferable.} by a deed under his hand and seal acknowledged by any officer duly authorized by law to take acknowledgments of deeds, and recorded by the clerk of the corporation in a book to be kept for that purpose, and the purchaser named in such deed, so recorded shall on producing the same to the treasurer and delivering to him the former certificate, be entitled to a new certificate; and from the entry of such transfer the new stockholder shall be under all the liabilities of the original stockholder.

SEC. 6. Said corporation may, from time to time, at any regular ^{May make assessment.} meeting called for that purpose, assess upon each share, such sums of money as the corporation shall think proper, not exceeding in the whole the amount at which such share shall be originally limited; and such sums so assessed shall be paid to the treasurer at such times and by such instalments as the corporation shall direct.

SEC. 7. All the members of said corporation shall be jointly and ^{Liability.} severally liable for all debts and contracts made by said corporation, and a certificate signed and sworn to by the clerk and treasurer setting forth the amount of capital stock paid in, shall be

filed and recorded in the office of the register of deeds for said county.

To give notice of amt of assessment.

SEC. 8. The whole amount of debts, which said corporation shall at any time owe, shall not exceed the one half amount of its capital stock actually paid in; and said corporation shall annually give notice in some newspaper printed in the village of Marshall, of the amount of all the assessments, laid by said corporation and actually paid in, and the amount of all existing debts, which notice shall be signed by the treasurer or clerk.

SEC. 9. The legislature may at any time alter, amend or repeal this act.

Approved March 17, 1847.

[No. 96.]

AN ACT to amend an act entitled "an act to authorize the highway commissioners of the township of Kalamazoo to vacate certain streets," approved February thirteenth, eighteen hundred and forty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the proviso to section one of an act entitled "an act to authorize the highway commissioners of the township of Kalamazoo to vacate certain streets," approved February thirteenth, eighteen hundred and forty-seven, be and the same is hereby repealed, and the following substituted in lieu thereof, and to stand as a part of said section one: "*Provided*, That said commissioners shall not be authorized to vacate any more of said street than is now or that has heretofore been used and occupied by the Michigan Central Rail Road Company, or that may hereafter be necessary for the purpose of constructing, continuing, building, maintaining and keeping in repair a rail road with a single or double track with the necessary appurtenances, without the written assent of the owners of the lands adjoining said street.

SEC. 2. This act shall take effect from and after its passage.

Approved March 17, 1847.

[No. 97.]

AN ACT to incorporate the Marshall and Bellevue Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Isaac E. Crary, Jarvis Hurd and Oliver C. Comstock, are hereby appointed commissioners to receive subscriptions to the capital stock of a plank road company from Marshall, in the county of Calhoun, to Bellevue, in the county of Eaton. Com'rs:

SEC. 2. The capital stock of said company shall be thirty thousand dollars, and shall be divided into one thousand shares of thirty dollars each. Capital stock

SEC. 3. The said commissioners may open books for the subscription of stock at any time within two years, at the village of Marshall, by first giving twenty days' public notice thereof; and whenever one half of said stock shall be subscribed, and one dollar on each share so subscribed be paid to said commissioners, the stockholders so subscribing shall be a body corporate by the name of the "Marshall and Bellevue Plank Road Company," having succession by that name, and being in all respects under the provisions of the fifty-fifth chapter of the revised statutes of eighteen hundred and forty-six, except as herein changed or otherwise [provided.] Who to cause books to be opened.

SEC. 4. The said company may hold such real estate as shall be necessary for the construction and use of said road, not exceeding ten thousand dollars in value.

SEC. 5. The said company may acquire right of way by gift grant or otherwise, as they may be able so to do, and hold the same as company property. Right of way.

SEC. 6. The said company, in lieu of all other taxation, shall pay to the state a tax of five mills on a dollar for all the capital stock paid in, and all loans made by said company for the construction of said road, from and after the time of charging tolls on said road by said company. To pay a tax of five mills.

SEC. 7. The said company may construct a plank road from Marshall, in the county of Calhoun, to Bellevue, in the county of Eaton. Said road shall be built of good sound plank, not less than eight feet long and three inches thick; and whenever other roads May construct plank road.

intersect, said road shall be constructed and covered as to allow the convenient passage of carriages.

May com-
mute with
stockholder's

SEC. 8. The directors may commute with any of the stockholders for any instalments upon their stock, by allowing them, instead of paying their subscription, to take contracts, on giving satisfactory security for the fulfillment thereof, by furnishing any part of the materials or executing any part of the construction of said road

Gov. to issue
license.

SEC. 9. When one half of said road shall be done, the directors may notify the governor of this state, who shall thereupon forthwith appoint three disinterested persons, whose compensation shall be paid by the company, and whose duty it shall be to view said road and report to the governor; and if they report that five miles are done in a good workmanlike manner, according to the true intent of this act, the governor shall issue his license, under the seal of the state, to permit said company to erect such gate or gates upon and across said road as may be necessary to collect the tolls allowed by this act.

Rates of toll

SEC. 10. Said company shall be entitled to demand and receive from all persons, except persons going to or from public worship or funerals, the following tolls for the whole distance, and at half toll gates in proportion, to wit: For every score of hogs or sheep, twelve cents; for every wagon, drawn by two horses, mules or oxen, seventeen cents, and for every additional horse, mule or ox three cents; for every pleasure wagon, coach or carriage, drawn by two horses, twenty-five cents, and for every additional horse, three cents; for every sulky or pleasure carriage, drawn by one horse, twelve cents, and for every additional horse, three cents; for every cart drawn by two oxen, twelve cents, and for every additional yoke of oxen, four cents; for every horse or mule rode, led or driven, five cents; for every cart drawn by one horse, six cents; for all sleighs or sleds, drawn by one or more horses, mules or oxen, half the tolls of vehicles on wheels; for every horse or mule and rider, six cents; and it shall be lawful for any toll gatherer to stop any of the above property or persons until the tolls are paid according to the foregoing rates.

Penalty:

SEC. 11. If any toll gatherer shall unreasonably detain any traveller or property on said road, or demand or receive more toll than is

allowed by this act, he shall forfeit for every such offence, twenty-five dollars, to be recovered by the person so detained or injured, with costs of suit, before any justice of the peace, in his own name and for his own use.

SEC. 12. The shares of said company shall be transferable in the manner provided in the by-laws of said company; and the company books shall at all times be open to the inspection of any of the stockholders, and shall be so kept as to show the accurate receipts and expenditures of the company. Shares transferable.

SEC. 13. If the road herein specified shall not be built and approved within four years, this act shall be void.

SEC. 14. The stockholders of said company shall be personally liable for all the debts of said company after the corporate property is exhausted. Liability.

SEC. 15. The legislature may at any time alter, amend or repeal this act.

SEC. 16. This act shall take effect on the first day of April next.
Approved March 17, 1847.

[No. 98.]

AN ACT making Appropriations for the Salaries of State Officers, for the year eighteen hundred and forty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be, and there is hereby appropriated out of any moneys in the state treasury, to the credit of the general fund, not otherwise appropriated, the following sums: For the salaries of the Governor and Associate Justices of the Supreme Court, fifteen hundred dollars each; for the salary of the Chief Justice of the Supreme Court, sixteen hundred dollars; for the salaries of the Auditor General, State Treasurer and Commissioner of the Land Office, one thousand dollars each; for the salary of the Secretary of State, one hundred and sixty-six dollars and sixty-seven cents, due on the first day of March, 1846, and the further sum of six hundred and sixty-six dollars and sixty-seven cents for the remainder of the year, under the revised statutes of 1846; for the salary of the Attorney General, at the rate of Appropriation.

eight hundred dollars per annum, up to and including the first day of March, instant, and at the rate of five hundred dollars per annum since that time; to the Superintendent of Public Instruction, the sum of five hundred dollars; for the salary of the Recorder of the Land Office, four hundred dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the Quarter Master General, one hundred and fifty dollars; for the salaries of the Deputy State Treasurer and Deputy Auditor General, seven hundred dollars each; for the salaries of the two regular Clerks of the Auditor General, six hundred dollars each; for the salaries of the Deputy Secretary of State, Deputy Commissioner of the Land Office and one Clerk in said office, five hundred dollars each.

Salaries to
be paid quar-
terly.

SEC. 2. The salaries above specified shall be payable quarterly, commencing from the first day of March in the present year, or at the same rate for fractional quarters.

Appropriation.

SEC. 3. There is also hereby appropriated, so much as may be necessary to pay the salaries of the Chancellor, Judge of the District Court, and the several officers above mentioned, their respective salaries as they were severally fixed by law up to and prior to the first day of March, instant.

SEC. 4. This act shall take effect and be force from and after its passage.

Approved, March 17, 1847.

[No. 99.]

AN ACT to appoint Commissioners to lay out a certain State Road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Harry Williams of Charlotte, Sylvanus Hunsiker of Bellevue, and Alonzo Noble of Battle Creek, be commissioners to lay out a state road from Battle Creek in Calhoun county, to Lansing in the county of Ingham, on the best and most eligible route: Provided, The state shall in no way be liable for the expense of laying out and constructing said road.*

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

[No. 100.]

AN ACT to incorporate the Union City Iron Company, in the county of Branch.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the share owners of the Union City Iron Company, in the county of Branch, at the time of their acceptance of this charter, shall be a body politic and corporate in law, with a capital stock of twenty thousand dollars, by the name and style of the Union City Iron Company. ^{Incorporation.}

SEC. 2. The said company may hold all such real and personal estate as shall be necessary for the successful prosecution of the business of Iron making and the manufacturing of the same in its various branches, and for supplying coal and ore for the business aforesaid, not exceeding five thousand acres. ^{May hold estate.}

SEC. 3. The shares or stock in said company shall not be taxable; but all the property belonging to said company, whether real or personal, shall be liable to assessment and taxation in the township where the same is situated, in the name of the company, the same as any other real or personal property; and all such taxes may be collected by distress and sale of any of the company's property, by the collector of the proper township in said county of Branch; and when no personal property to[is] be found in any township where the company are taxed for real estate owned by them, the tax shall be returned and collected in the same manner as other non-resident taxes. ^{Stock to be taxed.}

SEC. 4. This act shall be subject to the provisions of the Revised Statutes of one thousand eight hundred and forty-six, as contained in title ten, chapter fifty-five, and such amendments as may from time to time be made thereto, except so far as the provisions thereof are varied by this act, and unless the provisions of this act are accepted by the first day of May next, by said company, by a vote of said company, duly had at a meeting of said company held according to the articles of association of said company, and certified by the President and Secretary thereof, and filed in the office of the Secretary of State, this act shall be void. ^{Act subject to revised statutes.}

SEC. 5. Each stockholder of said company shall be personally liable for all the debts and liabilities of the company, to the amount ^{Liability.}

of stock owned by him and paid in; but no execution shall issue against the separate property of any stockholder, until the property of the company in this state liable to execution shall have been exhausted.

Sec. 6. The legislature may at any time alter, amend or repeal this act by a vote of two thirds of each branch of the legislature.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

[No. 101.]

AN ACT to incorporate the Raisin Institute.

Incorporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Elijah Brownell, Eliphalet Jones, William E. Warner, Samuel A. Hubbard, Joseph L. Peters, Stephen Allen and Anson Backus, of the county of Lenawee, together with such other persons as may be associated with them for that purpose, shall be and they are hereby constituted a body politic and corporate, by the name and style of the "Raisin Institute," subject to the provisions relating to corporations, contained in chapter fifty-five of the revised statutes of eighteen hundred and forty-six, and such amendments thereof as may from time to time be made by the legislature.

Power of trustees.

Sec. 2. The trustees shall have power, and they are hereby authorized to establish in the township of Raisin, in the county of Lenawee, an institution for the instruction of young persons, in ancient or modern languages or literature, and the arts and sciences, and shall faithfully apply all funds received by them for that purpose, by subscription, bequest or otherwise, in providing suitable buildings, employing professors and teachers, procuring books, maps, philosophical and other apparatus necessary or proper for the successful prosecution of study in said institution.

Capital stock

Sec. 3. The capital stock of said corporation shall not exceed the sum of ten thousand dollars, and shall be divided into shares of ten dollars each, which shall be considered personal property; and they may hold any property or estate, real, personal or mixed, for

the purposes mentioned in this act, and none other, not exceeding in value the amount of capital stock herein authorized.

SEC. 4. In collection of debts against said corporation, if corporate property cannot be found sufficient to satisfy any execution issued against it, the trustees shall be liable as partners in trade, for any debt created by them, whilst trustees in behalf of said corporation; and if such debts cannot be collected from the corporate property of said institution, or from the property of the trustees as aforesaid, then each stockholder shall be individually liable therefor. Trustees liable.

SEC. 5. The institution shall be subject to visitation at any time by the superintendent of public instruction; and the trustees shall annually, on or before the twentieth day of October, in each year, make to the superintendent a full report of the literary and pecuniary condition of said institution. Subject to visitation.

SEC. 16. The legislature may at any time alter, amend or repeal this act.

Approved March 17, 1847.

[No. 102.]

AN ACT to dispose of certain Statute Books within this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, as follows:* The secretary of state is hereby authorized and empowered to dispose of the following volumes of the statute laws of this state, by sale or exchange for other and miscellaneous books, that is to say: one hundred copies of the session laws of 1842; two hundred copies of the session laws of 1844; three hundred copies of the session laws of 1845, and six hundred copies of the session laws of 1846: *Provided*, The number of copies of the session laws remaining in the library for the years '42, '44 and '45, shall not be less than one hundred for each year, and those of '46 shall not be less than 300 copies. The revised statutes of '38, so remaining, shall not be less than one hundred copies.

SEC. 2. All moneys received by the said secretary of state for volumes sold as above provided, shall be paid by him, into the

treasury of the state, and all books received in exchange as therein provided, shall be deposited in the state library.

Approved March 17, 1847.

[No. 103.]

AN ACT making appropriations to defray certain expenses authorized for the year eighteen hundred and forty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be and the same are hereby appropriated out of the general fund :

G F Rood. To G. F. Rood & Co., for stationery furnished the supreme and chancery courts of the second circuit, in the year one thousand
A M Gould. eight hundred and forty-six, on the order of A. M. Gould, clerk and register, thirty-one dollars and twenty-five cents ; also for stationery furnished the supreme court, first circuit, in the year eighteen hun-
D C Hol- dred and forty-six, on the order of D. C. Holbrook, acting clerk, thirteen dollars and sixty-three cents ; also for stationery furnished the court of chancery, fourth circuit, in the year eighteen hundred
A Treadway and forty-six, on the order of A. Treadway, register, six dollars and sixty-three cents ; also for stationery furnished the office of attorney general, on his order, in the year eighteen hundred and
A W Hovey forty-six, four dollars ; also for stationery furnished A. W. Hovey, clerk of the house of representatives, in the year eighteen hundred and forty-six, three dollars and sixty-three cents.

S W Higgins To S. W. Higgins for preparing a map for use of the legislature of eighteen hundred and forty-six, ten dollars ; also for completing for the use of the state land office, lists of the fractional sixteenth sections of the whole lower peninsula in the year eighteen hundred and forty-six, ten dollars ; to Henry H. Steevens for services in the secretary of state's office from July sixth to November nineteenth, eighteen hundred and forty-six, inclusive, certified by the secretary of state, one hundred and thirty-seven dollars ; to R.
H H Steevens.
R C Bradford. C. Bradford and Company for carpeting and other articles furnished for the capitol on the certificate of secretary of state in the year eighteen hundred and forty-six, two hundred dollars and thirty-nine cents ; to William R. Hill for services rendered and articles

furnished, in repairing the out-houses and grounds about the capitol in the year eighteen hundred and forty-six, two hundred and thirty-seven dollars, and fifty-three cents; to Silas Vanderhof, for a book case furnished the secretary of state's office, as certified by ^{S Vander-}hooft him, in the year eighteen hundred and forty-seven, thirty-five dollars; to George McKenzie, for stationery furnished for the use of ^{G McKenzie} the court of chancery, on the order of the chancellor, in the year eighteen hundred and forty-six, twelve dollars; to John Webster, ^{J Webster} for repairs on conductor pipes, cleaning, putting up and repairing eleven stoves, and for materials furnished in doing said work, in and about the capitol, in the year eighteen hundred and forty-six, fifteen dollars and fifty-three cents; to Edward N. Lacroix, for ^{E N Lacroix} services rendered the state in arranging the library after the adjournment of the legislature of eighteen hundred and forty-six, as certified by the secretary of state, fifteen dollars. To A. Kaminsky, ^{A Kaminsky} for printing, correcting proof sheets by the manuscripts of the translator, and stitching seven hundred copies of the Governor's message, in the German language, for the year eighteen hundred and forty-seven, sixty-five dollars.

To Asahel S. Bagg, for stationery furnished A. W. Adams, used ^{A S Bagg} in recording the journal of the Senate in the year eighteen hundred and forty-six, seven dollars and eighty-four cents; also for stationery furnished for the use of the adjutant general in his office for the year eighteen hundred and forty-six, on his order, six dollars and thirty-two cents; also for stationery furnished for the use of the court of chancery, first circuit, for the year eighteen hundred and forty-six, as certified by D. C. Holbrook, assistant register, twelve ^{D C Hol-}dollars and fifty cents; also for stationery furnished for the use of ^{brook} the supreme court, first circuit, eighteen hundred and forty-six, on the order of D. C. Holbrook, clerk, four dollars and twenty-five cents; also for stationery furnished the attorney general, on his order, for the year eighteen hundred and forty-six, nineteen dollars and seventy-six cents; to Bagg & Harmon, for stationery furnished ^{Bagg & Har-}mon and printing done for the superintendent of public instruction, on his order, from April twenty-first, eighteen hundred and forty-six, to January seventh, eighteen hundred and forty-seven, one hundred and forty-eight dollars; to Asahel S. Bagg, for stationery furnished ^{A S Bagg}

Bagg & Harmon

and binding done for secretary of state, from January ninth, eighteen hundred and forty-six, to February eighteenth, eighteen hundred and forty-seven, on his order, one hundred and twenty-three dollars and forty-eight cents; to Bagg & Harmon, for printing for secretary of state, on his order, from April fifteenth, eighteen hundred and forty-six, to February seventeenth, eighteen hundred and forty-seven, three hundred and sixty-eight dollars and fifty cents; to Bagg & Harmon, for printing for the adjutant general from April twenty-fifth to September seventh, eighteen hundred and forty-six, as certified by him, seventy-two dollars and fifty cents; to Bagg & Harmon, for printing for the state treasurer from September fifteenth to November fifth, eighteen hundred and forty-six, as certified by him, five dollars and sixty-three cents.

L. Pasquella.

To Bagg & Harmon, for printing for the secretary of state, as certified by him, from August twentieth to September fifteenth, eighteen hundred and forty-six, sixteen dollars; to L. Pasquella, for translating and correcting proof sheets of the Governor's message into the French language, for the year eighteen hundred and forty-seven, fifty dollars; to Louis Cavalli, for translating the Governor's message into the German language for the year eighteen

L. Cavalli

A. S. Kellogg

hundred and forty-seven, fifty dollars; to A. S. Kellogg, for stationery for A. W. Hovey, clerk of the House of Representatives, January seventh, eighteen hundred and forty-seven, four dollars; to G. F. Rood & Co., for a pail, basket, brush and paste found for the use of the House of Representatives, eighteen hundred and forty-

G. F. Rood & Co.

W. A. Morrison

seven, one dollar and seventy-five cents; to William A. Morrison, for thirteen and a half yards of crape furnished for the use of the members of the House of Representatives for the year eighteen hundred and forty-seven, eight dollars and forty-three cents; to S. Britton, for furnishing cloth and covering the tables, and putting locks and knobs on them, in the House of Representatives, January seventh, eighteen hundred and forty-seven, forty-six dollars and twenty-five cents; to Thomas Hall, for fixing up stove screens in the secretary of state's office, as certified by him, December third, eighteen hundred and forty-six, four dollars and fifty cents; to B. & W. R. Noyes, Jr., for spittoons furnished for the Hall of the House of Representatives, January twelfth, eighteen hundred and

T. Hall

B. & W. R. Noyes

forty-seven, two dollars; to S. Wesley & Wolford, for chairs and cushions furnished for the secretary of state's office, as certified by him, February ninth, eighteen hundred and forty-seven, sixteen dollars; also, for cushions furnished for the House of Representatives, January twenty-six, eighteen hundred and forty-seven, twelve dollars; to Asahel S. Bagg, for stationery furnished A. W. Hovey, clerk of the House of Representatives, from January fourth to February twenty-seventh, eighteen hundred and forty-seven, twenty-one dollars and thirty cents; to A. W. Hovey, to pay for various newspapers furnished to members and officers of the House of Representatives for the year eighteen hundred and forty-seven, during the session of the legislature, thirty dollars and eighty-one cents; to Vaile & Brothers, for two chairs furnished for the use of the House of Representatives, January twenty-nine, eighteen hundred and forty-seven, two dollars and twenty-five cents; to Frederic H. Harris, for services as quarter master general, from April thirteenth, to July fourth, eighteen hundred and forty-six, at one hundred and fifty dollars per annum, thirty-four dollars and eleven cents; to Augustine W. Hovey, clerk of the House of Representatives, for compiling and preparing for publication, making indexes and superintending the publication of the House journal and documents of the present session, one hundred dollars, to be paid on the certificate of the secretary of state, that the work has been correctly done; to John S. Bagg, postmaster at Detroit, for postage on letters, papers and documents, to the members of the legislature, during the session of eighteen hundred and forty-seven, three hundred and sixteen dollars and seventy-seven cents; to C. Morse, for stationery furnished A. W. Hovey, clerk of the House of Representatives, January fifth, eighteen hundred and forty-seven, one dollar and sixty-nine cents; to Rufus Kibbee, John W. Turner and Alfred Pond, for expenses incurred in going to, returning from, and while at Jackson, as a joint committee from the Senate and House of Representatives of state prison investigation, fifteen dollars each; to Bagg and Harmon, for furnishing ninety-four copies of the daily Free Press, to members and officers of the legislature during the session of eighteen hundred and forty-seven, one hundred and fifty dollars and forty cents; to A. S. Bagg for binding and

Wesley and
Wolford.

A S Bagg

Vaile and
Brothers.

F H Harris.

J S Bagg

C Morse.

R Kibbee,
J W Turner
and A Pond.

Bagg & Har-
mon.

A S Bagg

lettering two hundred and fifty-five copies of the manual and lettering the names of members and officers of the legislature of eighteen hundred and forty-seven, on the the outside of one hundred and five copies, sixty seven dollars and fifty-five cents; to Bagg and

Bagg & Harmon, for printing divisions and certificates for the pay of members and officers of the House of Representatives, for the year

A S Williams, eighteen hundred and forty-seven, eleven dollars; to A. S. Williams, for sixty-nine copies of the daily Advertiser, furnished to the members and officers of the House of Representatives for the year

eighteen hundred and forty-seven, one hundred and ten dollars and forty cents; to A. McFarren for stationery furnished to the messengers of the House of Representatives in the year eighteen hundred

Bagg & Harmon, and forty-seven, on the order of the committee on supplies, one dollar; to Bagg and Harmon, for stationery furnished and printing

A S Bagg, receipt book for librarian for the year eighteen hundred and forty-seven, five dollars; to A. S. Bagg for stationery furnished David

A. A. Ensworth, engrossing, enrolling and recording clerk of the House of Representatives for the year eighteen hundred and forty-seven, nineteen dollars and fifty-three cents; to A. S. Bagg for

a brush, half yard green baize and a basket furnished for the use of the House of Representatives for the year eighteen hundred

M Y Terrill, and forty-seven, one dollar and twenty-two cents; to Mina Y. Terrill for attendance and mileage before committee on elections of the

House of Representatives at its present session, eight dollars, to

P Ord, Placidus Ord for attendance as aforesaid, one dollar; for John N.

J Ingersoll, J Allen, Ingersoll, for attendance as aforesaid, two dollars; to John Allen

for five copies of the True Democrat, furnished to members of the House of Representatives, during the session of eighteen hundred

and forty-seven, two dollars and fifty cents; to the members of the House of Representatives from the counties of Mackinac and

Chippewa, the sum of ninety dollars each, for necessary expenses incurred before and after the session of the legislature.

C Morse, To C. Morse, for stationery furnished committee on state prison,

A S Williams, three dollars and twenty-eight cents; to A. S. Williams, for twenty-six copies of Daily Advertiser for senate, forty-one dollars and

Wm Tate, sixty cents; to William Tate, for articles furnished Senator With-
erbee in his last illness, two dollars and fifty cents; to George

Coombs, for materials furnished and for his services rendered in and about the capitol during the year one thousand eight hundred and forty-six, two hundred and eighty-two dollars and sixteen cents; to D. H. Williams, services as clerk to committee on state prison, appointed to visit and report relative to state prison, seventy-nine dollars and seventy-four cents; to G. F. Rood, for stationery for Senator Witherbee, three dollars and eighty-seven cents; to G. F. Rood & Co., for stationery furnished secretary of senate, fifteen dollars; to G. F. Rood & Co., for enrolling paper furnished A. Treadway, engrossing and enrolling clerk of senate, four dollars and fifty cents; to G. F. Rood & Co., for necessary articles furnished committee on supplies for hall of senate, twelve dollars and thirteen cents; to G. F. Rood & Co., for stationery furnished president of the senate, ten dollars and twenty-one cents; to G. F. Rood & Company, for stationery furnished secretary of the senate and engrossing and enrolling clerk, forty-dollars and fifty cents; to C. Morse, for stationery and articles furnished adjutant general's office, seven dollars and seventy-five cents; to A. S. Bagg, for blank memorandum furnished secretary of senate, two dollars; to Bagg & Harmon, for printing for senate, thirteen dollars; to William Moore, for carrying despatch to Flint, announcing death of Senator Witherbee to his family, sixteen dollars; to Pontiac Rail Road Company, for express train of cars to Pontiac, conveying the remains of the late Hon. E. B. Witherbee, thirty dollars; to R. C. Scadin, for coffin and shroud for Hon. E. B. Witherbee, deceased, twenty-four dollars; to Boss & Daily, for team to carry the remains of the late Senator Witherbee, deceased, from Pontiac to Flint, eight dollars.

To I. B. Huzzy, for cash paid per order of president of senate, three dollars; to James Armstrong, for five days' services as sergeant-at-arms pro tempore of the senate, for the year eighteen hundred and forty-six, twelve dollars; to G. F. Rood & Co., for stationery furnished secretary and engrossing and enrolling clerks, thirteen dollars and twenty-five cents; to V. W. McGraw, to hair and leather cushions furnished senate chairs, twenty-seven dollars and fifty cents; to Stevens & Zug, for articles furnished for repairs of senate chamber, twenty-five dollars and twenty-five cents; to A. S. Williams, for advertising proposals for state printing, five dol-

lars and fifty cents; to A. S. Williams, for publishing general orders for adjutant general's office, fifteen dollars; to Edward D. Ellis, for advertising general orders No. 14, of adjutant general, in December, eighteen hundred and forty-six, six dollars; to Edward D. Ellis, for advertising proposals for printing and binding for eighteen hundred and forty-seven, two dollars; to Michael Dougherty, for services and work done for the state during the year one thousand eight hundred and forty-three, five dollars and twenty-six cents; to John Ball, for services as commissioner in locating the county seats in the counties of the Upper Peninsula thirty-four days, sixty-eight dollars, and for expenses during the same time, eighty-seven dollars and sixty-four cents; to Horace C. Thurber, for services as commissioner in locating the county seats in the Upper Peninsula, thirty-six days, seventy-two dollars, and for expenses during the same time, ninety-six dollars and sixty-five cents; to H. V. Mann, for services as commissioner in fixing county seats in Upper Peninsula, thirty-six days, seventy-two dollars, and for expenses during the same time, ninety-nine dollars and seventy-four cents.

Appropriation to senators for stationery.

To senator Balch, for paid for stationery for himself, five dollars; to senator McReynolds, paid stationery for self, five dollars; to senator Schwarz, paid stationery for self, five dollars; to senator Eldredge, paid stationery for self, five dollars; to senator Fenton, paid stationery, self, five dollars; to senator Green, paid stationery, self, five dollars; to senator Toll, paid stationery, self, five dollars; to senator Maynard, paid stationery, self, five dollars; to senator Robinson, paid stationery, self, five dollars; to senator Danforth, paid stationery, self, five dollars; to senator Cook, paid stationery, self, five dollars; to senator Thurber, stationery for self, five dollars; to senator Kibbee, stationery for self, five dollars; to senator Fitzgerald, for stationery for self, five dollars; to senator Coe, for stationery for self, five dollars; to senator Lathrop, for stationery for self, five dollars; to senator Denton, for stationery for self, five dollars; to senator Bush, for stationery for self, five dollars; to senator Allen, for stationery for self, five dollars; to senator Parsons, for stationery for self, five dollars; to senator Rix, for stationery for self, five dollars; to Charles B. Flood, five dollars for stationery; to Alexander K. Howard, five dollars for stationery. The appropriation to each of the above named senators to be paid by the state

C B Flood
A K Howard

treasurer out of the treasury upon the certificate of the secretary of the senate. To G. F. Rood & Co., for stationery furnished engrossing and enrolling clerk, five dollars and eighty-five cents; to G. F. Rood & Co., for stationery furnished President of Senate, secretary and engrossing and enrolling clerk, forty-four dollars and fifty-two cents; to George C. Abbott, for repairing stove pipe in Senate chamber, one dollar; to James E. Platt, Secretary of Senate, for papers furnished members and officers of the Senate the present session, sixty-three dollars; to James E. Platt, for compiling and preparing for publication, making index and superintending the publication of the Senate journal and documents of the present session, including the executive journal, one hundred and fifty dollars, and for recording the executive journal, twenty-five dollars, to be paid on a certificate of the secretary of state, that the work has been correctly done; to Augustine W. Hovey, clerk of the House of Representatives, the further sum of fifty dollars, for preparing for publication and making indexes to the journal and documents of the House of Representatives at the present session, to be paid on the certificate of the secretary of state, that the work is correctly performed; to G. F. Rood & Co., for stationery furnished Secretary of Senate and engrossing and enrolling clerk for eighteen hundred and forty-six, forty dollars and two cents; to A. Treadway, engrossing and enrolling clerk of the Senate, and to David A. A. Ensworth, enrolling, engrossing and recording clerk of the House, for making a fair journal of the Senate and House of Representatives, respectively, during the present session of the legislature, to be deposited in the office of the secretary of state, the sum of one hundred and fifty dollars each, to be paid on the certificate of the secretary of state that the work is performed; to T. R. Cummings, deputy secretary of state, one hundred dollars, for extra services for the past year; that the sum of forty dollars be appropriated to J. N. Ingersoll, for publishing laws in Lake Superior News; to Mrs. Louisa Witherbee, the sum of seventy-five dollars, being the remaining sum which would have been due to Elisha [Elijah] B. Witherbee, late Senator, deceased; to A. S. Bagg, for stationery furnished the Sergeant-at-Arms of the House, three dollars; to A. S. Bagg, for stationery furnished the Speaker of the House of Rep-

G F Rood
& co

G C Abbott

J E Platt

A W Hovey

G F Rood
& co

A Tread-
way

D A A Ens-
worth

T R Cum-
mings

J N Inger-
soll
Louisa With-
erbee

A S Bagg

representatives for the year eighteen hundred and forty seven, six dollars and eighty-nine cents; to A. S. Bagg, for stationery furnished the reporters for the House of Representatives for the year eighteen hundred and forty-seven, six dollars and fifty cents.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

[No. 104.]

AN ACT to provide for the draining of Swamps, Marshes and other Low Lands.

Com'rs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Francis H. Hagaman, of the township of Dover, Joseph H. Cleveland, of the village of Adrian, and H. J. Quackenboss, of the village of Tecumseh, all of the county of Lenawee, are hereby appointed commissioners to superintend the draining of all such marshes and other low lands in the townships of Ogden, Riga, Blissfield and Ridgeway, in the county of Lenawee, according to the provisions of this act, as do in their judgment affect injuriously the health of the inhabitants.

Oath.

SEC. 2. Before entering upon their duties as such commissioners, they shall severally make oath before some person duly authorized to administer oaths, that they will justly and impartially discharge the duties assigned them by this act, which oath shall be by them filed in the county clerk's office.

Duty of
com'rs

SEC. 3. It shall be the duty of said commissioners to examine personally the marshes and other low lands in the townships aforesaid; to make such observations and surveys as they may deem necessary; to determine the route, line and dimensions of the several ditches or drains required to be cut in or from the same, together with their length, breadth and depth.

To make an
estimate of
expense.

SEC. 4. Said commissioners shall also make an estimate of the sum necessary to be raised to pay the expenses of making such ditches or drains, including all incidental expenses. They shall also make an estimate of the sum that ought to be levied upon each section or part of a section of land lying in such marshes or other

low lands, in such proportions as they shall deem just, according to the benefit that will accrue to each by making any such ditches or drains; and they shall cause maps of said lands to be made, designating thereon the length, depth, width, position and direction of every ditch or drain by them laid out or contemplated; said map shall also contain a description of every section or part of a section upon which estimates have been made, with the amount of such estimate, also the aggregate amount to be collected in each township.

SEC. 5. Said commissioners shall contract for the performance of the work and materials required to complete such ditches and drains; but contracts shall be upon reasonable public notice published not less than three weeks in some newspaper printed in Lenawee county, and such other notices as to them shall seem proper, and shall be subject to the action and judgment of the county court as hereinafter specified. To contract for work.

SEC. 6. Said commissioners shall make a full report to the county court of Lenawee, of all their doings in the premises, accompanied by the maps, estimates, statement of contracts and all other matters necessary to a full exhibition and understanding of their action. Such report shall be filed in the office of the county clerk of Lenawee, and a copy thereof with each of the supervisors of the aforesaid townships at least three weeks before it be acted upon by said court; and the commissioners shall give notice at least three weeks by publication in a newspaper printed in Lenawee county, that they will on some day, to be by them specified, present said report to the county court and apply for its confirmation, and also for the appointment of appraisers under this act, and on such day or some other day thereafter as may be appointed by said court, any person interested may appear and object to the confirmation of said report, and the court, for good cause shown, may amend or set aside said report, direct new examinations or surveys when in the opinion of the court, justice or equity requires it, but if no good cause be shown against it, the court shall confirm the report; and when a report shall be confirmed, the said court may then appoint three disinterested persons appraisers, being freeholders in said county, not residing in either of said townships, and To make report, &c.

not interested in the lands to be drained. Said commissioners or any of them, may be such appraisers if the county court shall so appoint them.

To review
estimate of
com'rs.

SEC. 7. The said appraisers shall after having taken and filed an oath, as is hereinbefore provided for, in regard to the commissioners, review the estimates of said commissioners, and may alter the proportion of the sums to be assessed upon the respective parts of the lands to be drained, and apportion the aggregate assessments to the expenses as ascertained by the contracts, they may act either from personal examination, or evidence, if they make any alteration in the proportional assessment upon any tract of land, then their report shall be filed and confirmed, or rejected by the county court, in like manner as is before provided in regard to the report of the commissioners.

Compensa-
tion.

SEC. 8. The commissioners and appraisers shall each be entitled to receive one dollar and fifty cents per day, for the time actually spent by them in performing their duties under this act; but before they shall receive any pay, their respective accounts shall be sworn to by them and taxed by the first judge of Lenawee county, and the bills filed in the office of the treasurer of said county, who shall pay them out of the moneys collected by virtue of this act.

To cause no-
tice to be
published.

SEC. 9. The commissioners shall cause a notice to be published in a newspaper printed in Lenawee county, also in the state paper, for six weeks, commencing immediately after the confirmation of the report of the appraisers, (if any be had, by the county court, (if not) then of the commissioners informing all persons that assessments have been made, with the sum apportioned upon each; and that such sum will be levied and collected in like manner with county taxes; a copy of which printed notice shall be filed in the office of the auditor general and in the office of the treasurer of Lenawee county, at the time of publication.

To cause
copy of re-
port to be
laid before
supervisors.

SEC. 10. The commissioners shall also cause a copy of the report confirmed by the county court, to be laid before the board of supervisors in the county of Lenawee, at their annual session, on the second Monday in October following. And said board shall charge the aggregate sums, as they are apportioned, against the proper

townships, and shall direct the several supervisors of Ogden, Riga, Blissfield and Ridgeway to levy the sums upon the several sections or parts of sections described as being in their respective townships, and collect and pay said sums to the county treasurer, in like manner, and at the same time with other county taxes.

SEC. 11. All claims arising under the preceding sections of this act whether on contract, labor performed or any other services, shall be audited by the commissioners and paid on their order by the county treasurer of Lenawee county, out of any funds in his hands created by this act and not otherwise. Claims to be audited.

SEC. 12. That all the provisions and benefits and privileges contained in this act, shall extend to all the counties of this state in which the supervisors of the county shall appoint three commissioners to discharge the duties under said law; and the supervisors of the several counties in this state are hereby authorized, in their discretion, to appoint three commissioners who shall have and exercise in their respective counties all the powers in reference to the draining of swamps, marshes and other low lands in any township in their counties, which by this act are conferred upon the commissioners named in the first section. Benefits, &c to extend to all counties.

SEC. 13. If any of said commissioners or appraisers shall die, resign or refuse to act, it shall be the duty of the county court of said county to fill any vacancy in their number, which appointment shall have the same validity as if such person had been named in and appointed by this act. Duty of co. court.

Approved March 17, 1847.

[No. 105.]

AN ACT to amend the Revised Statutes of 1846.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act entitled "an act for revising and consolidating the general statutes of the state of Michigan," approved May 18, 1846, be and the same is hereby amended, as follows : R statutes amended.

SEC. 2. In chapter one, section six, line eighteen, after "surveyors," insert "boards of county superintendents of the poor;" and Chapter amended.

in section ten strike out in lines three and four, the words "auditor general and paid out of the state treasury," and insert in the place thereof the words "boards of supervisors and paid out of the county treasury."

Chapter
amended.

SEC. 3. Chapter twelve shall be amended by striking out in the first line of section thirty-five, the word "five" and inserting in the place thereof the word "seven," and by striking out all of said section after the word "and," in the second line, and inserting in the place thereof the words "his actual necessary expenses."

Id.

SEC. 4. Chapter fourteen shall be amended by striking out section fifty, and also by striking out in the first line of section seventy, the word "four," and inserting in the place thereof, the words "one or more."

Id.

SEC. 5. Chapter twenty-one shall be amended by striking out all of section twenty to and including the word "time," in the second line, and inserting in the place thereof the words "licenses may be granted by the treasurer for any term less than one year, upon payment of a rateable proportion of the duties hereinbefore prescribed."

Id.

SEC. 6. Chapter fifty-eight shall be amended by striking out of section fifteen all after the word "meeting," in the third line; and also by striking out of section ninety-five all after the word "appointment," in the third line, and by inserting in section one hundred and forty, at the end of the fourth line, the words "in addition to the taxes hereinbefore required to be raised for that purpose."

Id.

SEC. 7. Chapter eighty-one shall be amended by inserting in the last line of section ten, after the word "township," the words "or city clerk of the city;" and by inserting in the first line of section eleven, after the word "township," the words "or city," and by inserting in the first line of section twelve, after the word "township" the words "or city," and by inserting in the ninth line of section thirteen, after the word "township," the words "or city," and by striking out in the third and fifth lines of section fifteen, the word "township," and by inserting in the first line of section sixteen, after the word "township" the words "and city."

Id.

SEC. 8. Chapter eighty-four shall be amended by striking out the

word "two," in the fourth clause of section six, and inserting in the place thereof the word "five," and by striking out in the fourth line of section seven the word "two," and inserting in the place thereof the word "three ;" and by striking out in the last line of section thirty-four, the word "man," and inserting in the place thereof the word "husband."

SEC. 9. Chapter ninety shall be amended by striking out of the fortieth section all after the word "served," in the third line, and inserting in the place thereof the words "in any part of this state," and by repealing sections eighty and eighty-one, and substituting in the place thereof as follows: "Sec. 80. After the filing of a bill the court shall make an order for the appearance of a defendant at a future day therein to be specified, as hereinafter directed in the following cases:

Chapter 90
amended.

"1. When the defendant residing out of this state, upon proof by affidavit of that fact:

"2. When the defendant is a resident of this state, upon proof by affidavit that the process for his appearance has been duly issued, and that the same could not be served by reason of his absence from, or concealment within this state, or by reason of his continued absence from his place of residence." "Sec. 81. The order shall require the defendant to appear and answer the bill as follows:

"1. If he be a resident of this state, within three months from its date:

"2. If he be not a resident of this state, but of some other of the United States, or of one of the territories thereof, or of the province of Canada, within a period not exceeding six months from its date:

"3. If he be a resident of any other state or country, not before mentioned, within a period not exceeding nine months from its date."

Chapter ninety shall be further amended by striking out in section twenty-two the words "or in which one of the parties resides if either is a resident of the state, and if neither party reside in this state, or in the county where the subject matter of dispute, or some thereof is situated," and inserting in lieu thereof, "if the subject matter is local, and if it is not local, in the county where one of the parties in interest resides if either is a resident of the state."

Chapter 93
amended.

SEC. 10. Chapter ninety-three shall be amended by striking out in the first and second lines of section one hundred and three, the words "if the plaintiff, his agent or attorney, shall make an affidavit, stating the amount of such judgment;" and by striking out in the last line of the last named section, the words "and the amount sworn to be due;" and by repealing section one hundred and eleven, and substituting in place thereof as follows: "Sec. 111. Upon all judgments rendered by justices of the peace, except in the cases mentioned in the two last preceding sections, execution shall issue at the expiration of five days from the entering of the judgment, unless such execution shall be stayed as hereinafter provided; and such execution shall not issue sooner, without the consent, in writing, of the person against whom the judgment was obtained, or the proof in the next section specified." Said chapter ninety-three shall be further amended by striking out in the third line of section one hundred and fourteen, the word "before," and inserting in the place thereof the word "after;" and by adding to section one hundred and forty-one, the words "or that the party against whom such judgment was rendered ought to have recovered a judgment for at least five dollars against the opposite party;" and by adding to section one hundred and forty-three the words "or that the party against whom such judgment was rendered, ought to have recovered a judgment for at least eight dollars against the opposite party;" and by striking out of lines five and six of section ten, the words "under oath before the justice issuing the same." Amend section one hundred and fourteen, chapter ninety-three: strike out all after the word "of" in the eighth line, and insert the following: "three months from the commencement of suit, if such money shall not exceed twenty-five dollars, exclusive of costs, and at or before the expiration of six months if such money exceeds twenty-five and is under fifty dollars, exclusive of costs, and at or before ten months if such money exceed fifty dollars."

Chapter 95
amended.

SEC. 11. Chapter ninety-five shall be amended by adding to section forty-eight the words "and no master shall be appointed under the provisions of this section in any county in which there shall be a number equal to that limited by this section holding under commissions in force when this chapter shall take effect, until the num-

ber of such masters shall have been appointed or otherwise below the number herein before limited;" said chapter ninety-five shall be further amended by repealing sections fifty-nine and sixty, and inserting in the place thereof the following: "Sec. 59. The supreme court shall appoint in each of the judicial circuits of this state, one injunctionmaster, who shall possess all the powers of a master in chancery within the county in which he resides, and shall have power to grant injunctions within his judicial circuit in the cases provided by law, and shall hold his office for the term of four years, unless sooner removed by the supreme court." "Sec. 60. Such appointment shall be in writing, and shall be filed in the office of the clerk of the supreme court of the circuit for which such injunction master shall be appointed, and such master shall cause his oath of office to be filed with the secretary of state within twenty days after his appointment, and in case of a vacancy, it may be filled by the supreme court."

SEC. 12. Chapter one hundred and two shall be amended by adding after section seventeen, a new section, as follows: "Sec. Chapter 102
amended. 18. Whenever it shall be necessary to take the testimony of any witness, in any proceedings in a probate court, and such witness shall be unable, on account of sickness, age or infirmity, to attend the probate court, the judge of probate having jurisdiction of such proceedings, may take the testimony of such witness at any place within his county, with the same effect as he might take such testimony in open court." And said chapter one hundred and two shall be further amended by adding after section fifty-two, two new sections as follows: "Sec. 53. When a witness whose testimony is wanted in any civil case or proceeding pending before any court, magistrate, arbitrators or referees, shall live within this state, and more than thirty miles from the place of hearing or trial, his deposition may be taken in the manner hereinbefore prescribed for the taking of the testimony of witnesses to be perpetuated, as near as may be, and upon the like notice to the opposite party, his agent or attorney." "Sec. 54. Depositions so taken may be read in evidence on the trial or hearing, and shall have the same effect, and no other, as the oral testimony of the witness would have [if] given on such hearing or trial, and shall be subject to like objections."

Chapter 103
amended.

SEC. 13. Chapter one hundred and three shall be amended by striking out in the first line of section two the words "joined in such actions;" that chapter one hundred and six, section ten, be so amended that but one execution shall issue at the same time.

Chapter 146
amended.

SEC. 14. Chapter one hundred and forty-six shall be amended by inserting in the third line of section one, after the word "imprisonment," "in the cases and," and also by adding after section one a new section, as follows: "Sec. 2. Such application may be made at the times following, that is to say:

"1. If the amount due on such executions shall not exceed twenty-five dollars, after he shall have been imprisoned thirty days:

"2. If the amount due on such executions be more than twenty-five dollars, and not exceeding fifty dollars, after he shall have been imprisoned sixty days:

"3. If the amount due on such executions be more than fifty dollars, and not exceeding one hundred dollars, and after he shall have been imprisoned ninety days:

"4. If the amount due on such executions be more than one hundred dollars, and not exceeding five hundred dollars, after he shall have been imprisoned six months:

"5. If the amount due on such executions shall exceed five hundred dollars, after he shall have been imprisoned nine months."

Chapter 149
amended.

SEC. 15. Chapter one hundred and forty-nine shall be amended by adding after section four a new section, as follows: "Sec. 5. If the plaintiff, in any action brought to recover damages, occasioned by the erection of any dam upon the lands of the defendant, for manufacturing or milling purposes, and the flowing of the lands of the plaintiff, recover less than fifty dollars, such plaintiff shall recover no more costs than damages."

Chapter 150
amended.

SEC. 16. Chapter one hundred and fifty shall be amended by striking out in the last line of section eight, the words "board of supervisors of the county," and inserting in the place thereof the words "county judge of the county;" and by striking out in the seventh line of section eighteen, the words "twenty-five cents for his services in each case," and inserting in the place thereof, the words "one dollar for each day's attendance, and fifty cents for each half day's attendance;" and by striking out section twenty-two

and inserting the following: "The fees of sheriffs and constables for services rendered in the county courts and for the services of process therefrom, shall be as follows, viz: the fees of constables shall be such as are allowed to constables for similar services in civil proceedings before justices of the peace, and the fees of sheriffs shall be such as are allowed by law to sheriffs for similar services in the circuit court."

Sec. 17. The corrections made by the commissioners appointed to superintend the printing and binding of the said revised statutes, as indicated in the advertisement appended to the printed copies thereof by said commissioner, are hereby adopted, and the said revised statutes are amended accordingly.

Approved March 17, 1847.

[No. 106.]

AN ACT to amend an act entitled "an act to amend the revised statutes of 1846."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to amend the revised statutes of 1846" approved March 17, 1847, shall take effect from and after the passage of this act.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

[No. 107.]

AN ACT to provide for the payment of Interest on the amounts due from the State to the University and School Funds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the annual state tax on the several rail road companies within this state, as may be necessary for that purpose, shall be and is hereby specifically set apart and appropriated for the payment of interest on such sums as are now due from the state, or hereafter may be due, to the university and primary school funds. Certain tax appropriat'd

SEC. 2. The above appropriation, so far as relates to the university fund, shall be in lieu of any specific appropriation heretofore made from the proceeds of the Central and Southern Rail Roads, when owned by the state; and so far as relates to the school fund, shall be in lieu of any appropriation heretofore made for the like purpose from the general annual state tax.

Duty of state
treasurer.

SEC. 3. It shall be the duty of the state treasurer, each year, on or before the time when the taxes from the Central and Southern Rail Road Companies become due, to ascertain and estimate the amounts due or to become due from the state for the current year to the funds above mentioned, and to reserve, at the time of the payment of said taxes, sufficient to meet the same, as they may severally become due and payable.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

[No. 108.]

AN ACT to incorporate the Portland and Shiawassee Plank Road Company.

Com'rs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jonathan Hartwell, Peter Laing, David Sturges and Harvey Hunter, be and they are hereby appointed commissioners, under the direction of whom, or a majority of whom, subscriptions may be received to the capital stock of the Portland and Shiawassee Plank Road Company," hereby incorporated; and they shall cause books to be opened for the subscription of said stock in the village of Dewitt, in the county of Clinton, and in the village of Portland, in the county of Ionia, first giving twenty days' notice in at least one public newspaper printed in the county where said books are to be opened, of the time and place of opening the same in said county; and the subscribers thereto in pursuance of this act, and their lawful successors and assigns, are hereby constituted and declared a body corporate by the name of the "Portland and Shiawassee Plank Road Company," and shall be capable in their corporate name to purchase and hold such real

and personal estate as may be necessary for the construction or repair of said road, the bridges and toll gates thereon, or for the erection of toll houses or other necessary buildings.

Sec. 2. The said corporation shall be subject to the provisions of chapter fifty-five of the revised statutes, approved May eighteenth, eighteen hundred and forty-six, except so far as the same are inconsistent with the provisions of this act. ^{Subject to certain provisions.}

Sec. 3. The capital stock of said company shall be two hundred and fifty thousand dollars, to be divided into ten thousand shares of twenty-five dollars each, and it shall be lawful for the said commissioners whenever fifty thousand dollars shall have been subscribed, (if within three years from the passage of this act,) to call a general meeting of the subscribers at such time and place as they may appoint, giving twenty days' notice thereof in some newspaper published in each of the counties of Shiawassee, Clinton and Ionia, at which meeting the said subscribers or such of them as may attend, being a majority of the whole, may proceed to organize said company by the determination and election of proper officers, and by the adoption of suitable by-laws, not inconsistent with this act. ^{Capital stock}

Sec. 4. At the time of subscribing for such stock, each subscriber shall pay into the hands of the said commissioners one dollar on each share subscribed, and at the said first meeting of said company, no person not having made such payment shall be permitted to vote or act as a member thereof; and said commissioners shall pay over all money paid to them on said stock as aforesaid to such officers as the said company shall direct after the same shall have been organized. ^{To pay \$1 on each share.}

Sec. 5. The said company shall have power in such manner and at such times as it shall by vote determine, to make calls on each share of capital stock until the whole amount of capital subscribed is paid in, and may declare forfeited and sell all shares on which such calls shall not be duly paid. ^{Power of co}

Sec. 6. The said commissioners or a majority of them are hereby empowered and authorized to survey and lay out on the line of any existing highway or elsewhere, a road commencing at the village of Portland and running thence easterly to some eligible point on the Pontiac and Corunna plank road: *Provided*, That said ^{power of comrs.}

road shall not be laid out on the line of any existing highway without the consent in writing of the taxable inhabitants residing on the line of road so sought to be used.

Damages.

SEC. 7. The damages sustained by any person or persons by reason of the laying out and opening of said road may be ascertained by the agreement of the owner or agent of the owner of the land through which said road may be run, with the commissioners aforesaid; and in case such agreement be not made, or in case the owner, or agent of the owner of the land, shall not, in writing, release all claim for damages for the right of way to said corporation the same shall be assessed by said commissioners, and a certificate of such assessment filed in the office of the clerk of the county in which the land lies.

To cause
map &c. to
be filed in
sec. of states
office.

SEC. 8. Said commissioners shall cause a correct map and survey of so much of said road as shall be laid out by them in each county, to be made and filed in the office of the register of deeds of said county, designating such parcels of land through which they have laid said road, and have assessed the damages aforesaid; and in case the owner of such land or his agent shall not, within ten days after a certificate of such assessment is filed in the clerk's office as aforesaid, and notice thereof as herein provided, file in the same office a notice of appeal to the county court of such county, the said assessment shall be considered final; and upon the payment of the amount so assessed or a tender thereof by said company to the owner or his agent, the right of way through such land shall be as fully vested in said company as if the same had been conveyed by the owner of the land. And in case a notice of appeal from any such assessment, shall be filed in the clerk's office as aforesaid, within the ten days aforesaid, then the said county court shall have jurisdiction of the matter, and shall cause the damages for the right of way through such land according to such survey, to be assessed by a jury of twelve freeholders disinterested in the matter; and either party may introduce witnesses touching the amount of damages; and on the payment or tender of the amount by such jury assessed as damages, to the owner or his agent, the said right of way shall be as fully vested in said company as if released by the owner of the land: *Provided,*

and personal estate as may be necessary for the construction or repair of said road, the bridges and toll gates thereon, or for the erection of toll houses or other necessary buildings.

SEC. 2. The said corporation shall be subject to the provisions of chapter fifty-five of the revised statutes, approved May eighteenth, eighteen hundred and forty-six, except so far as the same are inconsistent with the provisions of this act. Subject to certain provisions.

SEC. 3. The capital stock of said company shall be two hundred and fifty thousand dollars, to be divided into ten thousand shares of twenty-five dollars each, and it shall be lawful for the said commissioners whenever fifty thousand dollars shall have been subscribed, (if within three years from the passage of this act,) to call a general meeting of the subscribers at such time and place as they may appoint, giving twenty days' notice thereof in some newspaper published in each of the counties of Shiawassee, Clinton and Ionia, at which meeting the said subscribers or such of them as may attend, being a majority of the whole, may proceed to organize said company by the determination and election of proper officers, and by the adoption of suitable by-laws, not inconsistent with this act. Capital stock

SEC. 4. At the time of subscribing for such stock, each subscriber shall pay into the hands of the said commissioners one dollar on each share subscribed, and at the said first meeting of said company, no person not having made such payment shall be permitted to vote or act as a member thereof; and said commissioners shall pay over all money paid to them on said stock as aforesaid to such officers as the said company shall direct after the same shall have been organized. To pay \$1 on each share.

SEC. 5. The said company shall have power in such manner and at such times as it shall by vote determine, to make calls on each share of capital stock until the whole amount of capital subscribed is paid in, and may declare forfeited and sell all shares on which such calls shall not be duly paid. Power of co

SEC. 6. The said commissioners or a majority of them are hereby empowered and authorized to survey and lay out on the line of any existing highway or elsewhere, a road commencing at the village of Portland and running thence easterly to some eligible point on the Pontiac and Corunna plank road: *Provided*, That said power of comr's.

writing to him whether the road is constructed according to the provisions of this act; and if they shall report in the affirmative, he shall forthwith authorize the said company to erect so many gates upon and across said road as may be necessary and sufficient to collect the dues and tolls hereinafter granted to the said corporation from all persons traveling on or using the same; and this may be done as often thereafter as any other portion of said road shall be finished, not less than five miles in extent; but not more than one whole toll gate or two half toll gates to ten miles in distance, shall ever be placed across said road.

May appoint
toll gather-
ers.

SEC. 13. As soon as five miles of said road shall have been completed, and permission granted as aforesaid, to erect a whole or half toll gate or gates upon and across the same, it shall and may be lawful for the directors of said company to appoint toll-gatherers to collect and receive of and from all and every person and persons using or travelling on said road at each and every of said whole toll gates, and at each half toll gate or gates in proportion, such tolls and duties to wit: For neat cattle, hogs and sheep driven over the road, six cents for every score; for every wagon drawn by two horses, mules or oxen, twelve and a half cents, and four cents for each additional horse, mule or ox; for every coach, pleasure wagon or carriage drawn by two horses, twelve and a half cents, and each additional horse, four cents; for every chaise, sulkey, wagon or pleasure vehicle drawn by one horse, ten cents; for every cart drawn by two oxen, ten cents; for every horse or mule, led or driven, not attached to a vehicle, four cents; for every horse and mule with its rider, six cents; and for all sleighs and sleds drawn by horses, mules or oxen, if the same are used for burthen, half the tolls on wagons, and if the same are used for pleasure, half the tolls on pleasure vehicles on wheels; and it shall be lawful for every toll gatherer to stop and detain any person or persons, and any property above named in this section until the lawful toll be paid: *Provided*, That no toll shall be demanded from any person going to or returning from funerals or public worship, or from any person going to or returning from any part of the township on which such person resides, or from any person using said road for a distance not exceeding one mile either way from the residence of such per-

Rates of toll

son, nor from any troops in the service of the United States or of this state.

SEC. 17. [14] If any toll gatherer shall unreasonably detain or hinder any traveller or passenger, or property, at either of said gates, or shall demand or receive more tolls than by this act are established, ^{Penalty for detaining persons.} he shall for every such offence, forfeit and pay twenty-five dollars, to be recovered by the person or owner of the property so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattels of such toll gatherer can be found to satisfy such judgment and costs, then in that case, the personal property of said company, shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

SEC. 18. [15] Whenever complaint shall be made to either of three commissioners last appointed in pursuance of the fifteenth section of this act, that any part or parts of said road is out of repair, it shall ^{Duty of com'r in case road is out of repair.} be the duty of such commissioner to give notice to the other two commissioners, who, with him shall proceed to examine such part or parts of such road, and if they find the same to be out of repair, then the said commissioners shall give notice in writing of such defect to the toll gatherer or person attending the gate nearest the place so out of repair; and may also, in their discretion, in the said notice, order such gate or gates to be thrown open; and the said gate or gates so ordered to be thrown open shall, after service of such notice as aforesaid, be and remain open, and no tolls shall be demanded until after such road is put in complete repair; and if such keeper of the gate shall not immediately after the receipt of such notice, open the gate and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gate, or shall take or demand any toll from any person or persons, after receiving such notice, and until such repairs are completed as aforesaid, the toll gatherer or gate keeper so detaining any person as aforesaid, shall forfeit and pay to the person so detained the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of

the peace in the county where such detention occurs; and the property of said company shall be liable on said judgment, and the same may be taken on any execution issued thereon, in the same manner as if the same were against said company in its corporate name; and the said commissioners, appointed under and by virtue of this act, shall receive as a compensation for their services, at the rate of one dollar and fifty cents per day for the time actually employed, to be paid by the toll gatherer nearest to where the service was rendered, on the warrant of the secretary, countersigned by the president, out of the moneys collected at such places; and in default of such payment, the toll gatherer and the stockholders of said company shall be individually liable to said commissioners.

To keep corporate books SEC. 19[16.] The said directors shall keep a set of corporate books open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road and fixtures, and also the expenditures of said company, and all moneys by them received, and an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said company whenever it shall be required.

When charter to become forfeited. SEC. 20 [17.] If the said company shall not complete five miles of said road within five years from the passage of this act, and the balance of said road within ten years from the passage of this act, then the charter of such portion of said road as shall not have been so completed, shall become forfeited; or if either of said toll gates shall be kept open for the period of two months after notice is given that said road is out of repair, agreeably to the provisions of the fourteenth section of this act, then, and in that case, the powers and privileges granted to said company by this act shall cease, and be null and void.

SEC. 21 [18.] The legislature may at any time alter, amend, modify or repeal this act.

Liability. SEC. 22[19.] The stockholders of said company shall be personally liable for the debts of said company after the corporate property is exhausted.

Annual tax. SEC. 23 [20.] The said company shall pay to the state treasurer an annual tax of one-half of one per cent. upon the capital stock paid in, and all loans made by the company for construction, which shall

son, nor from any troops in the service of the United States or of this state.

SEC. 17. [14] If any toll gatherer shall unreasonably detain or hinder any traveller or passenger, or property, at either of said gates, or shall demand or receive more tolls than by this act are established, ^{Penalty for detaining persons.} he shall for every such offence, forfeit and pay twenty-five dollars, to be recovered by the person or owner of the property so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattels of such toll gatherer can be found to satisfy such judgment and costs, then in that case, the personal property of said company, shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

SEC. 18. [15] Whenever complaint shall be made to either of three commissioners last appointed in pursuance of the fifteenth section of this act, that any part or parts of said road is out of repair, it shall ^{Duty of com'r in case road is out of repair.} be the duty of such commissioner to give notice to the other two commissioners, who, with him shall proceed to examine such part or parts of such road, and if they find the same to be out of repair, then the said commissioners shall give notice in writing of such defect to the toll gatherer or person attending the gate nearest the place so out of repair; and may also, in their discretion, in the said notice, order such gate or gates to be thrown open; and the said gate or gates so ordered to be thrown open shall, after service of such notice as aforesaid, be and remain open, and no tolls shall be demanded until after such road is put in complete repair; and if such keeper of the gate shall not immediately after the receipt of such notice, open the gate and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gate, or shall take or demand any toll from any person or persons, after receiving such notice, and until such repairs are completed as aforesaid, the toll gatherer or gate keeper so detaining any person as aforesaid, shall forfeit and pay to the person so detained the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of

Corunna Plank Road Company hereby incorporated ; and they shall cause books to be opened for the subscription of said stock in the village of Pontiac, in the county of Oakland, in the village of Byron, and in the village of Corunna, in the county of Shiawassee, first giving twenty days' notice in at least one public newspaper printed in the village of Pontiac, and by posting up notices at the place where said books are to be opened, of the time and place of opening the same in said county ; and the subscribers thereto, in pursuance of this act, and their lawful successors and assigns, are hereby constituted and declared a body corporate by the name of the "Pontiac and Corunna Plank Road Company," and shall be capable in their corporate name to purchase and hold such real and personal estate as may be necessary for the construction or repair of said road, the bridges and toll gates thereon, or for the erection of toll houses or other necessary buildings.

Subject to
certain pro-
visions.

SEC. 2. This corporation shall be subject to the provisions of chapter 55 of the revised statutes, approved May, 1846, and such amendments as shall be made thereto, except so far as the same are inconsistent with the provisions of this act.

Capital stock

SEC. 3. The capital stock of said company shall be two hundred thousand dollars, to be divided into eight thousand shares of twenty-five dollars each ; and it shall be lawful for the said commissioners whenever twenty thousand dollars shall have been subscribed, (if within three years from the passage of this act) to call a general meeting of the subscribers, at such time and place as they may appoint, giving at least twenty days' notice thereof in some newspaper published in each of the counties of Oakland, Genesee and Shiawassee ; at which meeting the said subscribers, or such of them as may attend, being a majority of the whole, may proceed to organize said company by the determination and election of proper officers, and the adoption of suitable by-laws, not inconsistent with this act.

Subscribers
to pay \$1 on
each share.

SEC. 4. At the time of subscribing for such stock, each subscriber shall pay into the hands of the said commissioners one dollar on each share subscribed, and at the said first meeting of said company, any person not having made such payment shall not be permitted to vote or act as a member thereof ; and said commissioners

shall pay over all money paid to them on the said stock as aforesaid to such officers as said company shall direct after the same shall have been organized.

SEC. 5. The said commissioners, or a majority of them, are hereby empowered and authorized to survey and lay out a road, com-^{May survey said road.} mencing at the village of Pontiac, and running thence northwesterly through the village of Byron and the village of Shiawassee, to the village of Corunna, in the county of Shiawassee: *Provided*, That said road shall not be laid out on the line of any existing highway without the consent in writing of all the taxable inhabitants residing on the line of the road so sought to be used.

SEC. 6. The damages sustained by any person or persons by reason of the laying out and opening of said road, may be ascer-^{Damages.} tained by the agreement of the owner or agent of the owner of the land through which said road may be run with the commissioners aforesaid; and in case such agreement be not made, or in case the owner or agent of the owner of the land shall not, in writing, release all claim for damages for the right of way to said corporation, the same shall be assessed by said commissioners, and a certificate of such assessment filed in the office of the clerk of the county in which the land lies.

SEC. 7. Said commissioners shall cause a correct map and survey of so much of said road as shall be laid out by them in each county, to be made and filed in the office of the register of deeds of such county, designating such parcels of land through which they have^{To cause map &c. to be filed in office of register of deeds.} laid said road, and have assessed the damages as aforesaid; and in case the owner of such land or his agent shall not within ten days after a certificate of such assessment is filed in the clerk's office as aforesaid, and notice thereof as herein provided, file in the same office a notice of appeal to the county court of such county, the said assessment shall be considered final; and upon the payment of the amount so assessed or a tender thereof by said company to the owner or his agent, the right of way through such land shall be as fully vested in said company as if the same had been conveyed by the owner of the land; and in case a notice of appeal from any such assessment shall be filed in the clerk's office as aforesaid, within the ten days aforesaid, then the said county court shall have jurisdiction of the

matter, and shall cause the damages for the right of way through such land, according to such survey, to be reassessed by a jury of twelve freeholders, disinterested in the matter; and either party may introduce witnesses touching the amount of damages; and on the payment or tender of the amount by such jury assessed as damages, to the owner or his agent, the said right of way shall be as fully vested in said company as if released by the owner of the land: *Provided*, That said company shall cause notice of the filing of such certificate of the assessment to be served on the several owners or their agents, if such owner or one or more of several joint owners or agent resides in the county where such land lies; and in case the owner, or one or more of several joint owners of any such lands, shall not reside in the county in which the same lies, in that case the said court, on application of such company, shall direct such notice to be given to such owner or owners by publication in some newspaper as such court shall deem reasonable, and fixing the time within which such owner or owners are to take such appeal; and in case he or they shall not take such appeal within the time fixed by such order, the said assessment shall be final.

Power to
construct,
&c.

SEC. 8. The said company shall be and is hereby authorized and empowered to construct and keep in repair a plank or McAdamized road on the route so laid out and established, from the village of Pontiac to the village of Corunna; said road to be built of good sound plank not less than eight feet long and three inches in thickness, or other hard materials, and shall have power to grade, ditch and drain the road in such a manner as may be necessary or convenient for the purposes; and at the intersection of said road with other roads, it shall be so constructed as to afford easy and safe access thereto or passage thereover, for wagons, carriages or other vehicles.

SEC. 9. The said company, while constructing said road, shall cause no unnecessary impediment or obstruction to the travel on any highway on which they may construct said road.

Gov. to ap-
point three
com'rs.

SEC. 10. As soon as the said company shall notify the governor or acting executive of the state that at least five miles of said road is constructed, he shall thereupon appoint three discreet and disinterested persons as commissioners, who shall be paid by the com-

pany, to view the same, and report in writing to him whether the road is constructed according to the provisions of this act, and if they shall report in the affirmative, he shall forthwith authorize the said company to erect so many gates upon and across said road as may be necessary and sufficient to collect the dues and tolls hereinafter granted to the said corporation from all persons travelling on or using the same ; and this may be done as often thereafter as any other portion of said road shall be finished, not less than five miles in extent ; but not more than four whole toll gates, or two whole toll gates and four half toll gates shall ever be placed across said road, and not more than a proportionate number, according to the distance said road shall be completed.

SEC. 11. As soon as five miles of said road shall have been completed, and permission granted as aforesaid, to erect a whole or half toll gate or gates upon and across the same, it shall and may be lawful for the directors of said company to appoint toll gatherers to collect and receive of and from all and every person or persons using or travelling on said road, at each and every of said whole toll gates, and at each half toll gate or gates in proportion, such tolls and duties to wit : For every score of neat cattle, hogs and sheep driven over said road, six cents ; for every wagon drawn by two horses, mules or oxen, eighteen cents, and five cents for each additional horse, mule or yoke of oxen ; for every coach, pleasure wagon or carriage drawn by two horses, eighteen cents, for every additional horse, five cents ; for every chaise, sulky, wagon or pleasure vehicle drawn by one horse, ten cents ; for every cart drawn by two oxen, ten cents ; for every horse or mule, led or driven, and not attached to a vehicle, five cents ; for every horse or mule with its rider, six cents ; and for all sleighs or sleds drawn by horses, mules or oxen, half the tolls on wagons ; and it shall be lawful for every toll gather to stop and detain any person or persons, and any property, above named in this section, until the lawful tolls are paid : *Provided*, That no toll shall be demanded from any person going to, or returning from funerals or public worship. or from any person going to or returning from any part of the farm on which said person resides, or from any person using said road for a distance not exceeding one mile either way from the

May appoint
toll gather-
ers.

Rates of toll.

residence of such person, nor from any person going to or returning from any grist mill for the grinding of grain for family use, nor from any troops in the service of the United States or of this State.

Penalty.

SEC. 12. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger, or property at either of said gates, or shall demand or receive more tolls than by this act are established, he shall, for every such offence, forfeit and pay twenty-five dollars, to be recovered by the person or owner of the property so unreasonably detained, for his own use, with cost of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattels of such toll gatherer can be found to satisfy such judgment and cost, then and in that case, the personal property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

Duty of
com'r.

SEC. 13. Whenever complaint shall be made to either of the three commissioners, last appointed in pursuance of the eleventh section of this act, that any part or parts of said road is out of repair, it shall be the duty of such commissioner to give notice to the other two commissioners, who, with him shall proceed to examine such part or parts of said road, and if they find the same to be out of repair, then the said commissioners shall give notice in writing of such defect to the toll gatherer or person attending the gate nearest the place so out of repair; and may, also, in their discretion, in the said notice, order such gate or gates to be thrown open; and the said gate or gates so ordered to be thrown open, shall after service of such notice as aforesaid, be and remain open, and no tolls shall be demanded until after such road is put in complete repair; and if such keeper of the gate shall not immediately after the receipt of such notice, open the gate and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or take or demand any toll from any person or persons, after receiving such notice, and until such repairs are completed as aforesaid, the toll gatherer or gate keeper so detaining any person as aforesaid, shall forfeit and pay to the person so detained, the sum of twenty-five dollars for each

and every offence, to be recovered in an action of debt before any justice of the peace in the county where such detention occurs; and the property of said company shall be liable on said judgment, and the same may be taken on any execution issued thereon, in the same manner as if the same was against said company in its corporate name; and the said commissioners appointed under and by virtue of this act, shall receive as compensation for their services, at the rate of one dollar and fifty cents per day, for the time actually employed, to be paid by the toll gatherer nearest to where the service was rendered, on the warrant of the secretary, countersigned by the president, out of the moneys collected at such places; and in default of such payment, the toll gatherer and stockholders of said company shall be individually liable to said commissioners.

SEC. 14. The said directors shall keep a set of corporate books open at all times, to any or all of the stockholders, in which shall ^{To keep set of books.} be entered the cost of the construction of said road and fixtures, and also the expenditures of said company, and the moneys by them received, and an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said company whenever it shall be required.

SEC. 15. If the said company shall not complete five miles of said road within five years from the passage of this act, and the balance of said road within eight years from the passage of this ^{When charter forfeited} act, then the charter of such portion of said road as shall not have been completed, shall become forfeited; or if either of said toll gates shall be kept open for the period of two months, after notice is given that said road is out of repair, agreeably to the provision of the eleventh section of this act, then and in that case, the powers and privileges granted to said company by this act, shall cease and be null and void.

SEC. 16. The said company shall pay the state treasurer annually by the first day of December, a tax of five mills on the dollar upon ^{Annual tax} all the capital stock paid in, and upon all loans for construction, which tax shall be in lieu of all other taxes.

SEC. 17. The stockholders shall be personally liable for all debts of said company after the corporate property is exhausted. ^{Liability.}

Sec. 18. The legislature may at any time alter, amend or repeal this act.

Sec. 19. This act shall take effect and be in force from and after its passage.

Approved March 17, 1847.

RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION authorizing the Governor to employ a Private Secretary.

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor be, and he is hereby authorized to employ a private secretary during the present session of the legislature, who shall be allowed such compensation as the legislature shall direct, not exceeding three dollars per day.

Approved January 11, 1847.

[No. 2.]

JOINT RESOLUTION in relation to Legislative Manual.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of the Senate and Clerk of the House shall cause a sufficient number of copies of the Legislative Manual to be printed for the use of the legislature, embracing the same information as those in use during the last session of the legislature; and also a sufficient number for the use of the next legislature, to be deposited in the state library, in charge of the Secretary of State, whose duty it shall be to cause the same to be distributed among the several members at the next session.

Approved January 11, 1847.

RESOLUTIONS.

[No. 3.]

JOINT RESOLUTION in relation to the State Prison.

Resolved by the Senate and House of Representatives of the State of Michigan, That the committee on the prison of the Senate, and the like committee of the House, be a joint committee to examine into and report upon the charges contained in the annual report of the inspectors of the state prison against the agent of the state prison; that said committee have power to send for persons and papers, and to visit or cause to be visited by one or more of their number, the state prison, to procure the necessary information, and that they report thereon with all convenient despatch.

Approved January 13, 1847.

[No. 4.]

JOINT RESOLUTION in relation to the Printing of Bills.

Resolved by the Senate and House of Representatives of the State of Michigan, That hereafter the number to be furnished of all bills ordered to be printed by either branch of the legislature shall be two hundred and seventy-five; of which number eighty shall be delivered to the messengers of the Senate, and one hundred and ninety to the messengers of the House of Representatives, who shall distribute three copies thereof to each member, including the President and Secretary of the Senate, and the chief Clerk of the House, and one copy to the Secretary of State, to be by him preserved, and that he shall cause the same to be bound after the adjournment of each legislature, and deposited in his office.

Approved, January 13, 1847.

[No. 5.]

JOINT RESOLUTION relative to certain Salt Spring Lands.

Whereas, The Congress of the United States, in the supplementary act to provide for the admission of the state of Michigan into the Union, granted to this state seventy-two sections of land, designated and known as "salt spring lands;"

And whereas, It is contrary to the settled policy of this state to

lease any of its lands, thereby introducing a system of tenantry, fraught with many evils and with no corresponding benefit; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in the Congress of the United States be, and they are hereby requested to urge upon Congress the passage of a law, giving the consent of Congress to the sale of the lands aforesaid, and in such manner as the legislature of this state shall direct.

Resolved, That the governor of this state be requested to transmit a copy of the foregoing to each of our Senators and Representatives in Congress.

Approved January 19, 1847.

[No. 6.]

JOINT RESOLUTIONS of instruction to the joint Committee on State Prison.

Resolved by the Senate and House of Representatives of the State of Michigan, That the joint committee of examination of the charges against the agent of the state prison be and they are hereby instructed, when at Jackson, to enquire and report,

First, What amount of expenditure is necessary for building purposes during the current year, and for what buildings.

Secondly; Whether under a prudent administration of the affairs of the state prison, the subsistence, clothing and care of the prisoners, cannot be paid for with the labor of the prisoners.

Thirdly, If any expenditure is necessary, how much, and for what purposes.

Resolved further, That the said joint committee be and they are hereby instructed to enquire into the manner in which the government of the prison has been administered; whether any of the officers of the prison have failed or neglected to perform their respective duties, and whether there is sufficient cause for the statement contained in the annual report of the inspectors of the prison, that the present laws and those contained in the new revised statutes, are

insufficient for the good government and management of the prison, and require a change.

Approved January 26, 1847.

[No. 7.]

JOINT RESOLUTIONS relative to the Leasing of Mineral Lands by the United States.

Whereas, The general government has for several years past granted leases of the unsold mineral lands within this state, and thereby invited explorations and expenditures of labor and capital by our citizens to a large amount in discovering the mineral wealth of the Upper Peninsula ;

And whereas, The president of the United States has declared the leases which have been granted to be "without authority of law," leaving the lessees without that protection in the enjoyment of their discoveries which was the inducement prompting such a large and hitherto unproductive outlay of capital ;

And whereas, The legislature of this state have declared "that all leases of any of the lands aforesaid within this state, by authority of the United States, are contrary to the interests and policy of this state ;" therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be and they are hereby requested to urge the immediate passage of a law by congress to provide for such disposition of the mineral lands claimed by the United States within this state, and on such terms as shall comport with the sovereign rights of this state, and secure the just rights of all persons, who, trusting to the faith of the government, have devoted their labor and embarked their capital in exploring the country and developing its mineral wealth.

Resolved, That the governor be requested to transmit a copy of the foregoing preamble and resolution to each of our senators and representatives in congress.

Approved January 26, 1847.

[No. 8.]

JOINT RESOLUTION authorizing the Board of Internal Improvement to settle with the Superintendent and Collectors on the Southern Railroad, and for other purposes.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of Internal be and hereby is authorized and directed to settle with, and allow to the Superintendent and Collectors on the Southern Railroad, the amount of uncurrent money respectively received by them in good faith, as agents of the state.

Approved January 28, 1847.

[No. 9.]

JOINT RESOLUTIONS on the Existing War with Mexico.

Whereas, War now exists between the United States of America and the Republic of Mexico ; Preamble.

And whereas, The immediate cause of said war was the hostile invasion of American territory and attack on the American forces stationed within said territory, by an organized army of Mexico, acting under the orders of their government ;

And whereas, The government of Mexico claims as a just cause for such hostility on her part, the annexation of Texas to the United States ; therefore, be it

1. *Resolved by the Senate and House of Representatives of the State of Michigan,* That at the time of her annexation to our Union, Texas was a free, sovereign state, capable of making treaties, contracting alliances, and doing all other acts and things that a free and independent state might of right do ; and that in the treaty of annexation, Mexico had no just cause for offence, much less for war.

2. *Resolved,* That the message of the chief magistrate of these United States to the present Congress, is a triumphant vindication of our government in warring against Mexico, and clearly establishes the fact that the history of Mexico is one of continued wrongs and abuses against the government and people of these United States.

3. *Resolved,* That the present war is one of Mexico's own seeking ; that it had its immediate origin in the invasion of American territo-

ry by her armed soldiery ; that the honor of our flag, the protection of our citizens, and the preservation of the national character, alike impelled our arms to beat back the invaders and chastise their arrogance, and nobly have they done their duty.

4. *Resolved*, That it is the part of wisdom, patriotism and humanity to prosecute with vigor, this war that has been thus forced upon us, as the only sure guarantee of a speedy and honorable peace ; and that we deem it the duty of Congress to provide the men and means necessary to consummate an object so devoutly to be desired by every philanthropist and patriot.

5. *Resolved*, That in providing for the support of this war, we should not be unmindful of those gallant sons of the republic, who proudly follow its flag to battle and to victory, and that it is the duty of our government to make suitable provision for the officers and men who may serve their country faithfully, and for the widows and children of all those who may fall while fighting under its banner.

6. *Resolved*, That the invincible courage and heroism of the army of this republic, regular and volunteer officers and men, as displayed at the battles of Palo Alto, Resaca de la Palma and Monterey, has shed undying lustre on the American name, and reared for themselves a monument in every American heart ; and that the noble spirits over whose fall in battle the nation is called to mourn, have left behind them a fame as imperishable as the germ of freedom.

7. *Resolved*, That in the acquisition of any new territory, whether by purchase, conquest or otherwise, we deem it the duty of the general government to extend over the same the ordinance of seventeen hundred and eighty-seven, with all its rights, privileges, conditions and immunities.

Appropriation.

8. *Resolved*, That the sum of ten thousand dollars be, and the same is hereby appropriated out of any moneys in the treasury, except school and university funds, to be applied in the discretion of the executive, in fitting out any volunteer regiment, battalion or company that may be called from this state to serve in the existing war with Mexico.

Copies to be transmitted.

9. *Resolved*, That the executive of this state cause a copy of the

above preamble and resolutions to be transmitted each to the President of the United States, our Senators and Representatives in Congress, and the commanding general of the American army in Mexico.

10. *Resolved*, That these joint resolutions take effect and be in force from and after their passage.

Approved February 13, 1847.

[No. 10.]

JOINT RESOLUTION relative to a settlement of a claim of John M. Morrow.

Resolved by the Senate and House of Representatives of the state of Michigan, That the board of state auditors be and they are hereby authorized and empowered to make a final settlement with John M. Morrow, on just and equitable terms, for any claim that he may have against the state for service rendered in the office of the superintendent of the Southern Railroad, in the years eighteen hundred and forty and eighteen hundred and forty-one, and if they shall find any amount due said claimant from the state, they are hereby authorized to certify the amount that shall be found so due him to the auditor general, who shall draw his warrant on the internal improvement fund for the amount so certified to be due him, and the state treasurer is hereby authorized to pay said sum out of any moneys in the internal improvement fund not otherwise appropriated.

Approved February 16, 1847.

[No. 11.]

JOINT RESOLUTION for the relief of Harvey Sherman.

Whereas, Harvey Sherman did on the twenty-seventh day of September, A. D. eighteen hundred and forty-two, become the purchaser of lot number fourteen of university lands, containing twelve acres, being a part of the north east quarter of section twenty-seven in township two, south of range six, west;

And whereas, He has paid twenty-five per cent of the principal

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as required by law, and the interest in full to March first, A. D. eighteen hundred and forty-five;

And whereas, He neglected to pay the interest due March first, eighteen hundred and forty-six, and for sixty days thereafter, and also the interest and twenty-five per cent forfeiture by the first day of October following, in consequence of which the said land is forfeited to the state. Therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That the commissioner of the land office be and is hereby authorized to reinstate Harvey Sherman in his purchase of lot number fourteen, of university lands, containing twelve acres, being a part of the north east quarter of section twenty-seven in township two, south of range six west, and grant to the said Harvey Sherman all the rights to which he would have been entitled; had the same not have been forfeited: *Provided,* That the said Harvey Sherman shall on or before the first day of May next, pay or cause to be paid to the commissioner of the land office, all the interest now due, and the amount due by reason of his forfeiture, together with the interest due the first day of March next: *And provided further,* That the said land has not been sold to any other person or persons.

Resolved further, That this joint resolution shall be in full force from and after its passage.

Approved March 1, 1847. .

[No. 12.]

JOINT RESOLUTION relative to the distribution of the session laws, journals and documents.

Resolved by the Senate and House of Representatives of the State of Michigan, That the officers and members of the present legislature be and they are hereby entitled each to one copy of the session laws passed in the year eighteen hundred and forty-seven; also the journals and documents of the legislature of the said year; and the secretary of state be and he is hereby required to forward one copy of each to the several officers and members of this legislature, by forwarding the same to the county clerks of the

several counties of this state in which the officers or members reside, so soon as the same may be printed, bound and ready for delivery.

Approved March 1, 1847.

[No. 13.]

JOINT RESOLUTION relative to Publishing the Report of the Superintendent of Public Instruction.

Resolved by the Senate and House of Representatives of the State of Michigan, That the superintendent of public instruction be requested to compile so much of his annual reports for the years eighteen hundred and forty-five and eighteen hundred and forty-six, as he may deem necessary for the purpose of giving general information relative to common schools, and that the contractor to do the state printing be required to print four thousand and five hundred copies of said compilation of reports, to be distributed by said superintendent of public instruction, one copy to each township and county clerk, one copy to each school inspector, and one copy to each school director within this state, and to such other persons as he may deem advisable. The costs of such printing and publication shall not exceed eighty dollars.

Approved March 4, 1847.

[No. 14.]

JOINT RESOLUTION in relation to the Claim of Cyrus Dana, Rodney C. Paine and Job Brookfield, for Relief.

Whereas, By an act approved March twenty-fourth, eighteen hundred and forty-five, a board of auditors was constituted for the purpose of investigating all claims and applications for relief growing out of the sale of primary or common school, university, salt spring, state building and internal improvement lands;

And whereas, It was made the duty of said board by said act, to examine into all claims and applications for relief growing out of the sales of the lands aforesaid, and enter into a full settlement and final adjustment of all such claims and applications for relief as

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by said board might be deemed just and equitable, having in view the interests of the different funds for which the lands were originally appropriated, and the just and equitable relief which each particular case might demand ;

And whereas, Job Brookfield, Cyrus Dana and Rodney C. Paine, presented to said board of auditors their several claims for relief growing out of the sale of the northwest fractional quarter of section thirty-five, township seven north, of range seventeen west ;

And whereas, It appears that said board of auditors awarded the said land to Job Brookfield, and that a patent has been issued to said Brookfield for the same ;

And whereas, It appears that a full hearing was not had before said board on the claim made by said Dana and Paine for relief in regard to said land ;

And whereas, It was provided by said act, that the provisions thereof should not preclude any person who might feel himself aggrieved by the decision or award of said board from applying at any time after such decision and award to the legislature for relief ; and the said Dana and Paine having petitioned the legislature for relief in the premises, it is hereby

Resolved by the Senate and House of Representatives of the State of Michigan, That the said board of auditors re-examine the said claim of said Job Brookfield, and the said claim of said Dana and Paine for relief, in relation to the sale of said lands, and into all equities between the State and said parties, and into all equities as between the said Brookfield and the said Dana and Paine, growing out of the sale of said lands, whether under the original certificate of sale, or the subsequent transfers thereof. . And the several parties have the right to produce testimony in relation to the several claims ; and the said board of auditors shall enter into a full examination of said several claims ; and if, upon a full hearing of all the parties, they shall determine that the said Job Brookfield is not justly and equitably entitled to said land, then and in that case, it shall be the duty of the attorney general to proceed before the proper tribunals by scire facias or otherwise, to cause said patent so as aforesaid issued to said Brookfield to be vacated, and if they shall on such hearing determine that said Dana and Payne

are justly and equitably entitled to relief in the premises, they shall make such award as by said board shall be deemed just and equitable ; and such award shall be subject to the " provisos " contained in section two of act one hundred and two, approved March twenty-fourth, eighteen hundred and forty-five, herein above referred to, and that said board make full report of the proceedings herein, and the ground and reasons of their decision, and the substance of the evidence before them.

Approved March 5, 1847.

[No. 15.]

JOINT RESOLUTION relative to a certain Sum of Money stolen from the Treasurer's Office, in Shiawassee County.

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general be, and he is hereby directed and required, to proceed to carry out the provisions of joint resolution number eighteen, of eighteen hundred and forty-six, relative to money stolen from the treasurer's office in Shiawassee county, without first demanding or receiving the official bond of the county treasurer therein referred to; and that so much of said resolution as requires the demand or delivery of said bond, or the prosecution thereof be and the same is hereby rescinded: *Provided*, The county of Shiawassee, before availing itself of the benefit of the resolution aforesaid, assign and wholly transfer to the state of Michigan, all the rights of said county against Isaac Castle, late county treasurer of said county, for the money to which the resolution hereby amended relates, and furnish satisfactory evidence that the bond specified in said resolution is lost or destroyed.

This resolution shall take effect and be in force from and after its passage.

Approved March 9, 1847.

[No. 16.]

JOINT RESOLUTION relative to furnishing legislative documents to the British Museum.

Resolved by the Senate and House of Representatives of the State

RESOLUTIONS.

of Michigan, That the secretary of state be and he is hereby directed to deliver to the order of Wiley & Putnam, of New York, for the use of the British Museum, one copy of each of the laws and legislative documents and journals as can be conveniently spared from the state library.

Approved March 10, 1847.

[No. 17.]

JOINT RESOLUTION relative to the transmission of documents to Alexander Vattemare, of Paris.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the secretary of state be, and is hereby authorized and directed to transmit to Alexander Vattemare, of Paris, or to any duly authorized agent of said Vattemare, in this country, twelve copies of the revised statutes of eighteen hundred and forty-six; also twelve set of the journals and documents of the legislature, and of the laws enacted at the present session, to be distributed among such departments of the French government as have contributed to make up the packages already received from said Vattemare by this state.

Resolved, That the thanks of this legislature be, and they are hereby tendered, to the said Alexander Vattemare for his disinterested labors and sacrifices in the cause of science, and especially for his valuable contributions and collections for the benefit of our own state library.

Approved March 10, 1847.

[No. 18.]

JOINT RESOLUTION relative to a Loan of Money to the Trustees of the Wesleyan Seminary, at Albion.

Resolved by the Senate and House of Representatives of the State of Michigan, That the time for the payment of the sum of two thousand dollars, loaned to the trustees of the Wesleyan Seminary at Albion, for the term of six years, in accordance with the provision of joint resolution No. forty-one, approved February seven-

teenth, one thousand eight hundred and forty-two, be and the same is hereby extended for the period of four years from the twelfth day of March, one thousand eight hundred and forty-eight, on which day, by the terms of said loan, the said sum becomes due: *Provided*, That the auditor general, state treasurer and land commissioner shall be satisfied that the security given by said trustees for the same, is ample and sufficient.

Resolved, That the state treasurer be, and he is hereby authorized to pay to the order of the said trustees, after the twelfth day of March, one thousand eight hundred and forty-eight aforesaid, out of any moneys in the treasury, which shall then be to the credit of the primary school fund, not otherwise loaned or appropriated, the further sum of two thousand dollars, as an additional loan, to be repaid within four years, with interest, payable annually, upon the security for the re-payment of the principal and interest, being made satisfactory to the aforesaid state officers.

Approved March 15, 1847.

[No. 19.]

JOINT RESOLUTION relative to the settlement of a claim of Edward D. Ellis and William H. H. Briggs.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be and they are hereby authorized and required to make a settlement with Edward D. Ellis and William H. H. Briggs on just and equitable terms, and their decision thereon shall be final, for any claim they may have against the state, growing out of the provisions of the several acts and joint resolutions of the legislature of eighteen hundred and forty-three, in relation to the public printing, and the conditions of a contract entered into between the state and the said claimants relative to the printing aforesaid; and in case the board shall award any sum due the said claimants, they are hereby authorized to certify the amount found due them, to the auditor general, who is hereby directed to draw his warrant on the state treasurer for the amount so awarded and certified, who is hereby authorized to pay

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said sum out of any moneys in the treasury not otherwise appropriated.

Approved March 16, 1847.

[No. 20.]

JOINT RESOLUTION relative to the Surveys of the United States Military Roads within this State.

Resolved by the Senate and House of Representatives of the State of Michigan, That the secretary of state be, and is hereby required to obtain from the secretary of war of the United States the original or certified copies of the surveys of all the military roads established by the United States within this state and file the same in his office.

Approved March 16, 1847.

[No. 21.]

JOINT RESOLUTION relative to Building Expenses at the State Prison.

Resolved by the Senate and House of Representatives of the State of Michigan, That the agent and inspectors of the state prison shall incur no further expense for building purposes without the express direction of the governor or further provisions of law, except to secure and keep in repair the present buildings and the prison walls; and such expenditures shall not exceed one thousand dollars for the current year.

Approved March 16, 1847.

[No. 22.]

JOINT RESOLUTION in relation to certain State Tax Lands, and other Lands.

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general be and he is hereby authorized and required to withhold from sale all lands bid off to the state for taxes in the township of Lansing, in the county of Ingham,

or in any adjoining township until otherwise directed by law; and the commissioner of the state land office is hereby required to withhold from sale any school land or other state land in said township or any adjoining township, until the same shall be put up for sale at public auction, except so far as such sale may by him be deemed advisable to the State of Michigan for the purposes of a site for the capitol, or the laying out of a town plat of the town of Michigan. This resolution shall take effect from and after its passage.

Approved March 16, 1847.

[No. 23.]

JOINT RESOLUTION in relation to bonds and mortgages given to secure loans from the university and school funds.

Resolved by the Senate and House of Representatives of the State of Michigan, That all bonds and mortgages given for or on account of loans from either the university or school fund, upon which are due and unpaid either principal or interest, or both, shall be delivered over into the possession of the board of auditors on land claims, for the purpose of collection or settlement thereof; and the said board are hereby authorized to sue for and recover the amounts which may be due thereon, and whenever it is clearly shown to the said board that the bond accompanying any such mortgage is worthless, the said board may accept a release, or other conveyance of the equity of redemption or title to the mortgaged premises from the mortgagor in satisfaction of the debt, and upon liquidation, settlement and payment of said amounts due, they shall cancel and release the said bonds and mortgages, and such moneys as may be received on any such settlement, or arising therefrom shall be paid into the state treasury to the credit of the appropriate fund.

Approved March 16, 1847.

[No. 24.]

JOINT RESOLUTION relative to the Claim of John Munroe.

Resolved by the Senate and House of Representatives of the State of Michigan, SECTION 1. The board of state auditors are authori-

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zed to give to John Munroe a re-hearing on his claim presented to the board for final settlement under the joint resolution, approved March 8th, 1845; and if the said board shall find any further sum due to the said John Munroe, the same shall be certified and paid as provided in the joint resolution above mentioned.

Approved March 16, 1847.

[No. 25.]

JOINT RESOLUTION proposing an Amendment to the Constitution.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following proposed amendment to the constitution be referred to the next legislature, and the secretary of state shall cause the same to be published for three months previous to the next general election for members of the legislature :

“The legislature of eighteen hundred and forty-nine shall provide by law for dividing such counties into single representative districts as are entitled to more than one representative, and the first session of the legislature after each enumeration of the inhabitants of Michigan made by the authority of the United States or by the State of Michigan, shall provide for apportioning the State anew into single representative districts.”

The above amendment, if agreed to by two-thirds of the members elected to each branch of the next legislature, shall be submitted to the people at the next succeeding general election, and those voting in favor of said amendment shall have on their ballots “Single districts—Yes ;” and those voting against such amendment shall have on their ballots “Single districts—No.”

Approved March 17, 1847.

[No. 26.]

JOINT RESOLUTION authorizing the Secretary of State to sell certain Paper.

Resolved by the Senate and House of Representatives of the State of Michigan, That the secretary of state be, and he is hereby au-

thorized to sell a quantity not exceeding one hundred reams of the paper purchased for the revised statutes of eighteen hundred and forty-six, at cost and charges, and pay the money received therefor into the state treasury.

Approved March 17, 1847.

[No. 27.]

JOINT RESOLUTION relative to the claim of Wendell Buck.

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general be, and he is hereby required, to draw his warrant on the internal improvement fund in favor of Wendell Buck, for the sum of five hundred dollars, that being the amount due said Buck and interest thereon, for the failure of the state to comply with a contract made with said Buck for work done by him on the Central Railroad. Said warrant shall be placed on the same footing as warrants drawn previous to January, one thousand eight hundred and forty-three; and the state treasurer is hereby authorized and required to pay said sum out of any money in the internal improvement fund not otherwise appropriated.

Resolved further, That this joint resolution shall be in force from and after its passage.

Approved March 17, 1847.

[No. 28.]

JOINT RESOLUTION relative to the Claim of Hugh Brown, Jr.

Resolved, That the board of internal improvement be, and they are hereby authorized and required to make a just and equitable settlement (which shall be final) with Hugh Brown, Jr., for any damage he may have sustained by the non-fulfillment of any contract in the transportation of any property on the central rail road by the state; and in case they shall award any sum to the said Hugh Brown, Jr., they shall certify the same to the auditor general, who shall draw his warrant on the internal improvement fund for the amount so awarded, and the state treasurer is hereby authorized to

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pay said award out of any moneys belonging to the internal improvement fund, not otherwise appropriated.

Approved March 17, 1847.

[No. 29.]

JOINT RESOLUTION relative to the Claim of David C. McKinstry.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of state auditors and auditor general are hereby authorized and required to make a final settlement with David C. McKinstry on just and equitable terms, for any transaction between the said David C. McKinstry and the State of Michigan, connected with the Central rail road; and in case they shall find any sum of money due to the said McKinstry, the auditor general shall draw his warrant for the amount so awarded on the internal improvement fund, and the state treasurer is hereby authorized to pay said warrant out of any money belonging to the internal improvement fund not otherwise appropriated.

Approved March 17, 1847.

[No. 30.]

JOINT RESOLUTION relative to the claim of O. M. Hyde.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be, and they are hereby authorized and required to make a just and equitable settlement with O. M. Hyde, and their determination thereon shall be final, for materials furnished the state for the construction of the central rail road; and in case they shall find any sum due the said O. M. Hyde, they are hereby authorized to certify the amount found due him, to the auditor general, who shall draw his warrant on the internal improvement fund for the amount awarded him, and the state treasurer is hereby authorized to pay said sum out of any money in the internal improvement fund not otherwise appropriated.

Approved March 17, 1847.

[No. 31.]

JOINT RESOLUTION relative to the Capitol.

Resolved by the Senate and House of Representatives of the State of Michigan, That the attorney general be and he is hereby requested to examine into the title of the state to the building now occupied by the legislature, and to the lot on which the same is situated, and report the facts and his opinion thereon to the next legislature; and the governor is hereby required to keep possession of the building and lot aforesaid until the title thereof is settled; and if the governor is satisfied that the title thereof is in the state, he shall cause the same to be kept and preserved or leased in behalf of the state, from time to time until further provided by law.

Resolved further, That the building commissioner be and he is hereby authorized and required to attend to the transportation to Lansing of all the furniture and articles that will pay, &c., in and about the capitol on or before the twenty-fifth day of December next.

These joint resolutions shall take effect and be in force from and after their passage.

Approved March 17, 1847.

[No. 32.]

JOINT RESOLUTION relative to a Petition of the Chippewa Indians.

Whereas, Certain of the Chippewa Indians, residing in a portion of the Upper Peninsula, and employed in the cultivation of the soil, have petitioned the legislature of this state to aid them in procuring from Congress the passage of a law granting to them the right "of purchasing the lands on which they have made improvements, and holding them the same as American citizens;"

And whereas, Justice and humanity seem to require that this prayer of the remnant of the children of the forest should be granted, and they allowed to remain in the land of their fathers; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in the congress

of the United States be and they are hereby requested to present to congress this petition of the aforesaid Chippewa Indians.

Resolved, That the consent of this state is hereby given to the passage of a law by congress granting the prayer of the petitioners, so far as to allow them and other Indians within this state, occupying and cultivating the soil, pre-emption rights in, and the privilege of purchasing at the minimum price, the lands so occupied and cultivated by them, on the same footing as other inhabitants of this state.

Resolved, That the governor be requested to transmit a copy of this preamble and joint resolutions to each of our senators and representatives in congress, together with the petition aforesaid.

Approved March 17, 1847.

[No. 33.]

JOINT RESOLUTION relative to a Settlement of the Claim of Harry V. Man and Nathan N. Kendall.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be, and they are hereby authorized and required to make a settlement with Harry V. Man and Nathan N. Kendall on just and equitable terms, and their decision thereon shall be final, for any claims that the said Man or Kendall, or either of them, may have against the state, growing out of the construction of the southern rail road in the years eighteen hundred and forty and eighteen hundred and forty-one; and in case they shall award any sum due the said claimants, or either of them, they are hereby authorized and required to certify the amount found due them, or either of them, to the auditor general, who is hereby directed and required to draw his warrant on the state treasurer for the amount so awarded and certified to be due them, or either of them, who is hereby authorized to pay said sum out of any moneys in the treasury to the credit of the internal improvement fund, not otherwise appropriated.

Approved March 17, 1847.

[No. 34.]

JOINT RESOLUTION relative to maps and profiles of the Northern Railroad.

Resolved by the Senate and House of Representatives of the State of Michigan, That all the maps, profiles and estimates relative to the survey and construction of the Northern Railroad which are now filed in the office of internal improvement shall be subject to the order of the President of the Port Huron and Lake Michigan Railroad Company, when said company shall become duly organized under their corporate charter, without charge to said company: *Provided,* Said company give satisfactory security for the safe return of the same, in case the road is not built according to the provisions of their charter.

Approved March 17, 1847.

[No. 35.]

JOINT RESOLUTION relative to the Settlement of a Claim of James E. Brown.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be, and they are hereby authorized and required to make a settlement with James E. Brown on just and equitable terms, and their decision thereon shall be final for any claim that he may have against the state for services rendered as agent to superintend the improvements made on the Flint river; and if they shall find any amount due said claimant, they are hereby authorized to certify the amount that may be found due him, to the auditor general, who is hereby authorized and directed, upon the presentation to him of said claimant's certificate, to draw his land scrip for the amount, not bearing interest, and the same shall be payable out of any internal improvement lands in this state not otherwise appropriated.

Approved March 17, 1847.

[No. 36.]

JOINT RESOLUTION relative to the claim of Nathaniel McSweeney.

SECTION 1. *Resolved by the Senate and House of Representatives*

RESOLUTIONS.

of the State of Michigan, That the board of state auditors be and they are hereby authorized and required to make a settlement on just and equitable terms, and their decision thereon shall be final, with Nathaniel McSweeney for any claim that he may have against the state for additional pay for services rendered as assistant weigh-master, in the warehouse at the depot of the central railroad, in the city of Detroit, in the years of eighteen hundred and forty-three, eighteen hundred and forty-four and eighteen hundred and forty-five; and in case they shall award any sum due the said claimant, they are hereby authorized and required to certify the amount found due him, to the auditor general, who is hereby directed and required to draw his warrant on the state treasurer for the amount so awarded and certified, who is hereby authorized to pay said sum out of any moneys in the treasury, to the credit of the internal improvement fund, not otherwise appropriated.

Approved March 17, 1847.

[No. 37.]

JOINT RESOLUTION relative to the Settlement of a Claim of James Kelly.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be and they are hereby authorized and required to make a settlement with James Kelly, on just and equitable terms, and their decision thereon shall be final, for any claim that he may have against the state for damages arising out of non-fulfillment of contract on the part of the state to him as a contractor in the construction of the Central railroad, in the years eighteen hundred and forty, eighteen hundred and forty-one, and eighteen hundred and forty-two, and if they shall find any amount due said claimant, they are hereby authorized to certify the amount that may be found due, to the auditor general, who shall draw his warrant on the state treasurer for the amount so certified to be due him, and the state treasurer is hereby authorized to pay said sum out of any moneys in the treasury to the credit of the internal improvement fund, not otherwise appropriated.

Approved March 17, 1847.

[No. 38.]

JOINT RESOLUTION relative to the Settlement of a Claim of Patrick Larkins.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be, and they are hereby authorized and required to make a settlement with Patrick Larkins, on just and equitable terms, and their decision thereon shall be final, for any claims that he may have against the state for services rendered on the central rail road in the years eighteen hundred and forty-five and eighteen hundred and forty-six ; and if they shall find any amount due said claimant, they are hereby authorized to certify the amount that may be found due him, to the auditor general, who shall draw his warrant on the state treasurer for the amount so certified to be due him, and the state treasurer is hereby authorized to pay said sum out of any moneys in the treasury to the credit of the internal improvement fund, not otherwise appropriated.

Approved March 17, 1847.

APPENDIX.

REPORT of the Commissioners appointed to locate County Seats under the act entitled "an act to organize the counties of Houghton, Schoolcraft, Ontonagon and Marquette," approved May 18, 1846.

To his Excellency ALPHEUS FELCH,

Governor of the State of Michigan:

The undersigned John Ball, Harry V. Man and Horace C. Thurber, commissioners appointed by your Excellency for the purpose of designating and establishing the county seats of the counties of Houghton, Schoolcraft, Ontonagon and Marquette, in the state of Michigan, beg leave to report: That we have visited said counties and have made such examinations in the premises as was thought necessary and proper, and have selected and designated the following points as the county seats of said counties, that is to say:

The county seat of the county of Houghton to be at a point ten rods west of the quarter post on the south line of section nineteen, in township fifty-eight, north range thirty-one west.

The county seat of the county of Schoolcraft to be at a point on fraction number four of section thirty-six, in township forty-seven, north of range nineteen west, forty rods north of the quarter post on the south line of said section.

The county seat of the county of Ontonagon to be on the north east quarter of section thirty-six, township fifty-two, north of range forty west, at a point sixteen rods west of the west bank of the

Ontonagon River, and fifty-three rods south of the north line of said section.

The county seat of the county of Marquette to be on fraction number four of section eleven in township forty-eight, north of range twenty-five west, at a point fifteen rods south of the north quarter post of said section.

DETROIT, January 22, 1847.

JOHN BALL,
H. V. MAN,
HORACE C. THURBER,
Commissioners.

ACCEPTANCE of Michigan Central Rail Road Company.

Be it known, that the Michigan Central Rail Road Company hereby assent to the provisions of an act entitled "an act to amend an act entitled 'an act to authorize the sale of the Central rail road, and to incorporate the Michigan Central Rail Road Company,' approved March twenty-eighth, one thousand eight hundred and forty-six," and which said act was approved the first day of April, in the year one thousand eight hundred and forty-six; a majority of the directors of said company signing the aforesaid assent, agreeable to the provisions contained in the said act.

Boston, Oct. 6, 1846.

J. M. FORBES, *President*,
DAV. A. NEAL,
WILLIAM DWIGHT,
D. D. WILLIAMSON,
JNO. C. GREEN,
ERASTUS CORNING,
JNO. ELIOT THAYER,
GEO. B. UPTON,

Directors of Michigan Central Rail Road Company.

REPORT of the Michigan Central Rail Road Company, made agreeable to the provisions of the 32d section of their act of incorporation, and including the time from September 23d, 1846, to January 1, 1847.

Capital stock subscribed, two millions and two hundred thousand dollars.

Length of road in operation, one hundred and forty-five miles.

Receipts from freight, eighty-one thousand eight hundred and sixty-five 54-100 dollars.

Receipts from passengers, thirty-seven thousand three hundred and fifty 18-100 dollars.

Number of through passengers, thirty-seven hundred and fifty.

Number of way passengers, sixteen thousand six hundred and seventy-four and one-half.

APPENDIX.

Expenditures for repairs of rail road, eleven thousand one hundred and fifty-three 29-100 dollars.

Expenditures for repairs of engines and cars, seven thousand eight hundred and ten 89-100 dollars.

All other expenses on account of operating the road, twenty thousand four hundred and ninety-five 12-100 dollars.

Number of engines, nine.

Number of passenger cars, eight.

Number of freight cars, one hundred and one.

Number of baggage cars, four.

Number of repairing cars, twenty-five.

Average number of men in the employment of the company, three hundred and twenty-seven.

Number of miles run by passenger trains, twenty-eight thousand seven hundred and ten.

Number of miles run by freight cars, fifty-two thousand six hundred and thirty-two.

J. M. FORBES,
GEO. B. UPTON,
Directors.

Commonwealth of Massachusetts, Suffolk, ss.

Boston, January 13, 1847.

Personally appeared the within named J. M. Forbes and Geo. B. Upton, and made oath that the foregoing statement of the condition of the Michigan Central Rail Road Company is correct, according to the best of their knowledge and belief, before me,

GEO. S. HILLARD,
Justice of the Peace.

Received and filed in the office of the Secretary State, January 1, 1847.

G. O. WHITTEMORE,
Secretary of State.

REPORT of the Michigan Southern Rail Road Company.*To the Hon. the Secretary of State of Michigan :*

The Directors of the Michigan Southern Rail Road Company, in conformity with the thirteenth section of an act entitled "an act to authorize the sale of the Southern Rail Road and to incorporate the Michigan Southern Rail Road Company," submit the following by way of report to the Secretary of State:

The company took possession of the Rail Road, under the act aforesaid, on the twenty-eighth day of December last, past. From that date to the first day of January, instant, the annexed paper, marked "A" shows the receipts and expenditures on the road during the period above stated. The amount of capital stock subscribed is five hundred thousand dollars, and the amount actually paid in is fifty thousand dollars. No loans having been made by the company—no dividends declared. The receipts from freight, from passengers, and from all other sources, on account of operating the road, appears on the annexed paper, marked "A," as does all the expenditures for the repairs of the road, engines and cars. There are four engines on the road, fifty-five cars in order, ten freight cars broken, three passenger cars. The average number of men in the employ of the company during the time aforesaid, forty-three. There is due John F. Porter, acting commissioner, for a locomotive and cars, nine thousand dollars, in addition to the indebtedness of the company to the state, on the original purchase of the road. All of which is respectfully submitted.

CHARLES NOBLE,

SAM. J. HOLLEY,

*Directors.**State of Michigan, County of Monroe, ss :*

Be it remembered, that on this twelfth day of January, A. D. 1847, Charles Noble and Samuel J. Holley, two of the directors of the Michigan Southern Rail Road Company, came before me, the undersigned, one of the justices of the peace within and for said county of Monroe, and made oath that the foregoing statement by them signed, by way of report to the Secretary of State, is true, according to their best knowledge and belief.

ABNER MORTON,

Justice of the Peace.

STATEMENT MARKED "A."

Receipts and Expenditures on the Michigan Southern Rail Road, from the 28th to the 31st December, 1846, inclusive:

Freight,	\$481 52	Pay of sup't & collect's,	\$39 10
Passengers,	113 31	" " engin'rs & firem'n,	31 50
		" " station keepers,	33 25
		" reps. cars & engines,	33 00
		" " of road,	68 56
		Net proceeds,	389 48
	<hr/>		<hr/>
	\$594 87		\$594 87

Number of through passengers, 8; number of way passengers, 129; miles run by freight and passenger trains, 544; average number of men employed, 43.

THOS. G. COLE, *Supt.*

January 1st, 1847.

REPORT of the Erie and Kalamazoo Railroad Company.

At a meeting of the directors of the Erie and Kalamazoo Railroad Company, held at the office of the secretary in Adrian, on the 19th day of January, A. D. 1847.

Present—George Crane, *President*—Daniel K. Underwood, Langford G. Berry, Harvey Todd and Willard J. Daniels, *Directors*.

On motion of L. G. Berry, the following preamble and resolution were unanimously adopted:

Whereas, By an act of the legislature of the state of Michigan, entitled "an act in relation to the Erie and Kalamazoo Railroad Company," approved May 18, 1846, it was among other things enacted that "if said company shall within thirty days after this act shall become a law, signify their assent to the same in writing, and under their corporate seal, to be filed in the office of the Secretary of State, then in such case (but not otherwise) the liberties and franchises conferred by the said original act of incorporation, except as herein provided, shall be deemed and held to be validly and legally in existence and not forfeited nor liable to forfeiture for any act or omission prior to the passage of this act." Therefore,

Resolved, That the assent required to be given to the said act in and by the third section of said act and above recited, on the part of the said corporation, be and the same is hereby given; and that the president and secretary be authorized and required to execute an instrument under their hands and the seal of this company giving and signifying such assent, to be filed in the office of the secretary of state.

I certify that the foregoing is a transcript from the journal of the Erie and Kalamazoo Railroad Company kept by me.

Given under my hand and the seal of said company this
[SEAL] 20th day of January, A. D. 1847.

A. L. MILLERD, *Secretary*.

In pursuance of the authority and direction contained in the foregoing resolution, we George Crane president, and Alfred L. Millerd secretary, of the Erie and Kalamazoo Railroad Company, do hereby in behalf of the said corporation and as the act of the same, assent to the act of the Legislature entitled "an act in regard to the Erie and Kalamazoo Railroad Company," approved May 18, 1846.

Given under our hands and the seal of said corporation this
[SEAL] 20th day of January, A. D. 1847.

GEORGE CRANE, *Pres't*.

A. L. MILLERD, *Secretary*.

ANNUAL REPORT of the State Treasurer.

STATE TREASURER'S OFFICE, }
Detroit, December 1, 1846. }

To the Legislature of the State of Michigan :

The statements herewith submitted show the receipts and disbursements to and from the treasury during the past fiscal year, the condition of the various funds, and the balance on hand at its close, November 30th, 1846, as exhibited by the books of this office.

The balance in the treasury at the close of the fiscal

year 1846, is		\$78,561 00
In State Scrip, (treasury notes,)	\$17,543 00	
Deposit in Phoenix Bank, N. Y.,	23,317 48	
	<hr/>	40,860 48

Leaving a balance on hand of \$37,701 52 in current bank bills and coin. The auditor general reports as outstanding \$11,641 02 of general fund warrants; of this amount \$5,371 99 were issued on account of "Michigan State Bank Assets;" a part of them are payable in February, 1848, the balance in 1849; the warrants were drawn on interest. The deposit in the Phoenix Bank, N. Y., was received from the purchasers of the Central Rail Road, as a portion of the first instalment, and was remitted for the purpose of taking up the remaining coupons due in 1846 on certain state bonds named in the law, and provided for by the sale of the road.

During the past fiscal year, \$45,000 of State Scrip have been cancelled and burned; deducting the amount now in the treasury will leave \$7,457 00 outstanding, a large portion of which is bearing interest and withdrawn from circulation.

The company incorporated for the purchase of the Central rail road having duly organized under the law, and paid into the treasury the first instalment, were placed in possession of the road the 24th of September last. They have since made other payments, amounting in all to \$1,634,489 78, leaving a balance of \$365,510 22

still due the state. The different kinds of "state indebtedness" paid by the company, and the time of payment, is shown by the report of the auditor general.

On the 22d of October last, the incorporators for the purchase of the Southern rail road paid \$10,000 00 in internal improvement fund warrants into the treasury, being the first instalment; on the payment of the second instalment of \$40,000 00, which becomes due the 23d inst., they will be entitled to possession of the road.

The specific state tax of one-half of one per cent. on the capital stock of banks, has been promptly paid for the past year by all the banks now doing business in the state.

Contracts have been made for doing the state printing and binding for the fiscal year 1847, at reduced prices from those of previous years.

GEO. B. COOPER, *State Treasurer.*

APPENDIX.

Treasurer of Michigan in account with State of Michigan.

DR.			CR.
To bal. in treasury			By amount paid on
Nov. 30, 1845,	\$18,892	81	acc't of conting't
To receipts on acc't			fund,
of general fund,	159,011	77	\$467 59
Do int. impt. fund,	1,771,168	24	Do general fund,
Do prim'y sch'l do	20,226	43	159,103 02
Do do int. do	23,067	42	Do int. impt. do
Do redemption acc't	33,433	11	1,704,523 95
Do st'te build'g fu'd,	4,994	33	Do primary school
Do university fund'	9,375	86	interest fund,
Do do int. do	13,993	02	28,105 12
			Do redempt'n acc't,
			27,514 00
			Do st'te build. fu'd,
			96
			Do univer'ty int. do
			10,887 35
			By treasury notes
			burned,
			45,000 00
			By bal. in treasury
			Nov. 30, 1846,
			78,561 00
	<u>\$2,054,162</u>	<u>99</u>	<u>\$2,054,162</u>
			<u>99</u>

LEGER BALANCES ON STATE TREASURER'S BOOKS, NOV. 30, 1846.

Cash,	\$78,661	00	Contingent fund,	\$1,855	28
Internal impt. fund,	210,347	66	General fund,	74,212	78
			Primary S. fund,	92,053	63
			Do do int. do	2,981	49
			Redemption acc't,	10,733	96
			State building fund,	10,890	48
			Treasury notes,	25,000	00
			University fund,	66,150	00
			Univ. int. fund,	5,031	04
	<u>\$289,008</u>	<u>66</u>		<u>\$288,908</u>	<u>66</u>

Statement showing the condition of the various funds on Treasurers' Books.

CONTINGENT FUND.

DR.			CR.
To warrants paid			By balance, Nov.
during fiscal y'r,	\$467	59	30, 1845,
Balance,	1,855	28	\$1,522 87
			By transfer from
			general fund,
			800 00
	<u>\$2,322</u>	<u>87</u>	<u>\$2,322</u>
			<u>87</u>
			By bal. Nov. 30, '46,
			\$1,855 28

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DR.	GENERAL FUND.	CR.
To transfer to Primary School Interest Fund,		By balance Nov. 30, 1845,
	\$4,895 70	\$79,703 28
To transfer to Contingent Fund,	800 00	By receipts during fiscal year,
		159,011 77
To transfer to Redemption acc't,	43 53	To transfer from Redempt'n acc't,
		339 98
To war'nts p'd during fiscal year,	159,103 02	
Balance,	74,212 78	
	<u>\$239,055 03</u>	<u>\$239,055 03</u>
		By bal. Nov. 30, '46, \$74,212 78

DR.	PRIMARY SCHOOL FUND.	CR.
		By balance Nov. 30, 1845,
		\$71,827 20
		By receipts during fiscal year,
		20,226 43
		<u>\$92,053 63</u>
		Bal. Nov. 30, 1846,

DR.	PRIMARY SCHOOL INTEREST FUND.	CR.
To warrants paid during fiscal y'r,	\$28,105 12	By balance Nov. 30, 1845,
Balance,	2,981 49	\$3,123 49
		By transfer from general fund,
		4,895 70
		By receipts during fiscal year,
		23,067 42
	<u>\$31,086 61</u>	<u>\$31,086 61</u>
		By bal. Nov. 30, '46, \$2,981 49

DR.	REDEMPTION ACCOUNT.	CR.
To transfer to general fund,	\$339 98	By balance Nov. 30, 1845,
		\$5,111 30
To warrants paid during fiscal y'r,	27,514 00	By transfer from general fund,
Balance,	10,733 96	43 53
		By receipts during fiscal year,
		33,433 11
	<u>\$38,587 94</u>	<u>\$38,587 94</u>
		By bal. Nov. 30, '46, \$10,769 33

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DR.		STATE BUILDING FUND.		CR.
To warrant paid during fiscal y'r,	\$ 96	By balance Nov. 30, 1845,	\$5,897 11	
Balance,	10,890 48	By receipts during fiscal year,	4,994 33	
	<u>\$10,891 44</u>		<u>\$10,891 44</u>	
		By bal. Nov. 30, '46,	\$10,890 48	
DR.		TREASURY NOTES.		CR.
To am't burned during fiscal year,	\$45,000 00	By balance Nov. 30, 1845,	\$70,000 00	
Balance,	25,000 00			
	<u>\$70,000 00</u>		<u>\$70,000 00</u>	
		By bal. Nov. 30, '46,	\$25,000 00	
DR.		UNIVERSITY FUND.		CR.
		By balance Nov. 30, 1845,	\$56,774 14	
		By receipts during fiscal year,	9,375 86	
		Balance Nov. 30, '46,	\$66,150 00	
DR.		UNIVERSITY INTEREST FUND.		CR.
To warrants paid during fiscal y'r,	\$10,887 35	By balance Nov. 30, 1845,	\$1,925 37	
Balance,	5,031 04	By transfer from Sinking Fund,	3,838 81	
		By receipts during fiscal year,	10,154 21	
	<u>\$15,918 39</u>		<u>\$15,918 39</u>	
		By bal. Nov. 30, '46,	\$5,031 04	
DR.		INTERNAL IMPROVEMENT FUND.		CR.
To balance Nov. 30, 1845,	\$276,991 95	By receipts during fiscal year,	\$1,697,271 05	
To warrants paid during fiscal y'r,	1,703,232 04	By transfer from Sinking Fund,	73,897 19	
To trea'y note int. p'd du'g fis'l y'r,	1,291 91	Balance,	210,347 66	
	<u>\$1,981,515 90</u>		<u>\$1,981,515 90</u>	
		By bal. Nov. 30, '46,	\$210,347 66	

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ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,

PASSED AT THE ANNUAL SESSION OF 1848.

WITH AN
APPENDIX,

CONTAINING THE
TREASURER'S ANNUAL REPORT, &c.

BY AUTHORITY.

Lansing:
BAGG & HARMON, PRINTERS TO THE STATE.
1849.

LIST OF ACTS

PASSED BY THE LEGISLATURE OF 1848.

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2.	An act concerning the assessment, collection and return of the state tax for the year 1847, and for other purposes, approved January 13, 1848,	2
3.	An act to change the name of the township of Pewonagawink, in the county of Genesee, approved January 15, 1848,	3
4.	An act to provide for the collection of taxes in the township of Port Huron, in the county of St. Clair, for the year 1847, and to extend the time for the collection thereof, approved January 15, 1848,	4
5.	An act to provide for defraying the expenses of enlisting, transporting and subsisting the volunteer regiment called from this state to serve in the existing war with the Mexican Republic, approved January 15,	4
6.	An act to amend title 21, chapter 94, section 18 of the revised statutes, approved January 21,	5
7.	An act to amend an act entitled an act to appoint commissioners to lay out a certain state road, approved March 17, 1847, approved January 22,	5
8.	An act to extend the time for the collection and return of certain taxes for the year 1847, in the township of Monroe and Frenchtown, approved January 25,	6
9.	An act relative to pending proceedings for the partition of real estate, approved January 25,	7
10.	An act to amend an act entitled an act relative to ward elections in the city of Detroit, and for other purposes, approved March 27, 1839, approved January 25,	8
11.	An act to change the name of the township of Wayne, in the county of Wayne, approved January 26,	9
12.	An act to amend section 44 of chapter 12 of the revised statutes of 1846, approved January 26,	9

No.	TITLE.	PAGE.
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LAWS OF MICHIGAN.

No. 1.

AN ACT to provide for the payment of the Officers and Members of the Legislature, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the compensation of Members of the Senate and of the House of Representatives shall be three dollars per day each, and that of the Speaker of the House, his per diem allowance inclusive, six dollars per day ; and the mileage of said members shall be computed at the rate of three dollars for every twenty miles to and from the Capital upon the usual travelled route. Compensation of members of the Senate and House, and of Speaker.

Sec. 2. The Secretary of the Senate, and Clerks, and Sergeant-at-arms of either House, shall be allowed three dollars per day ; the fireman of either House shall be allowed one dollar and fifty cents per day, and the messengers of either House one dollar per day during the session of the House to which they respectively belong. Compensation of officers.

Sec. 3. Such sums as may be due to the President or President pro tempore, of the Senate, shall be certified to by the Secretary of the Senate, and to the Speaker of the House by the Clerk thereof ; and such sums as may be due to the several members and other officers of either House, under the preceding sections, shall be certified to by the presiding officer of the respective Houses. How certified.

Sec. 4. Upon presentation of any such certificate at the State Treasury, countersigned by the Auditor General, the State Treasurer is hereby authorized and directed to pay the same out of any moneys in the Treasury, to the credit of the general fund, not otherwise appropriated. How paid.

Auditor Gen-
eral to con-
tract for
wood for
Capitol.

Sec. 5. The Auditor General is hereby authorized to contract for the preparation and delivery of the necessary firewood for the use of the State officers at the Capitol, and of the two Houses of the Legislature during the present session, and upon the presentation at the State Treasury of any account for such firewood actually furnished during said period of time, duly audited and certified to by the Auditor General, the State Treasurer is hereby authorized and directed to pay the same out of any moneys in the Treasury, to the credit of the general fund, not otherwise appropriated.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved January 12, 1848.

No. 2.

AN ACT concerning the assessment, collection and returns of the State tax for the year 1847, and for other purposes.

Assessment
of State tax
for 1847
heretofore
made, le-
galized.

Duty of
Township
treasurers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the assessment of the State tax for the year one thousand eight hundred and forty-seven, by the Boards of Supervisors in the counties in which such assessment has been made, (and the several tax rolls in which said tax is assessed and set down, and which are now in the hands of the respective Township Treasurers in said counties,) shall have the same force and validity in the law, as though the levying of the same had previously been authorized by law, and the said Township Treasurers are hereby authorized and required to collect the said tax with the other taxes enumerated and inserted in their respective rolls as directed by the warrant for the collection of the same as prescribed by law, and all the existing provisions of law concerning the collection and returns of taxes, shall be applicable to the collection and returns of said State tax, and the same shall be made with the other taxes above mentioned in the same manner and at the same time as is therein prescribed.

Supervisors
where as-
essment
has been
omitted to
assess State
tax for 1847.

Sec. 2. The Boards of Supervisors for the counties in which the assessment of the said State tax for the year 1847 has been omitted or neglected to be made, are hereby authorized and required to assess such tax at the rate of two and a half mills on the dollar of the aggregate equalized valuation of all the taxable property of their respective

counties for the said year, at the time of the assessment of the taxes required by law to be assessed for the year 1848, and the said State tax shall be inserted in the several tax rolls of the last mentioned year in the column for State, county and town taxes, and be collected or returned with the other taxes, and in the same manner as the laws prescribe.

Sec. 3. The tax for the annual support and ordinary expenses of the State government for the year 1848 and for each subsequent year, shall be at the rate of two and a half mills on the dollar of the aggregate equalized valuation of all the taxable property of the several counties, and the same shall be annually assessed by the several Boards of Supervisors of the respective counties at the time of the assessment of other taxes required by law ; and the Auditor General is hereby required on the first day of February next, and on the first day of February in each and every year thereafter, to charge to the several counties the amounts ascertained to be due for their quota of the said tax respectively, according to their returns of the said valuation, as provided by law.

Rate of general State tax to be assessed annually hereafter.

Sec. 4. The Auditor General is hereby directed to transmit for publication copies of this act to the State paper, and Advertiser of the city of Detroit, and to one other newspaper published in each Senatorial District, as soon as is practicable after its passage.

Publication of the act.

Sec. 5. This act shall take effect, and be in force from and after its passage.

Approved January 13, 1848.

No. 3.

AN ACT to change the name of the township of Pewonagawink, in the county of Genesee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the name of the township of Pewonagawink, in the county of Genesee, be, and the same is hereby changed to "Montrose," and by that name shall hereafter be known and designated.

Name of Pewonagawink changed to "Montrose."

Approved January 15, 1848.

LAWS OF MICHIGAN.

No. 4.

AN ACT to provide for the collection of taxes in the township of Port Huron, in the county of St. Clair, for the year 1847, and to extend the time for the collection thereof.

Tax roll of township of Port Huron for 1847 legalized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the tax roll for the township of Port Huron, in the county of St. Clair, for the year 1847, be, and the same is hereby declared to be as valid and legal as if the same had been made out and delivered to the Township Treasurer, at the time prescribed by law. And that the Supervisor of said township deliver said roll to the said Treasurer, with his warrant for the collection thereof, as soon as may be after notice of the passage of this act.

Township treasurer to file bond.

Sec. 2. That the Treasurer of said township file his bond, as required by law, within five days after the reception of said roll, and before he proceeds to the collection of the taxes.

Time for collecting taxes extended.

Sec. 3. That the time for the collection of said taxes be extended to the first day of March next, and that the said Treasurer make return as provided by law in other cases, on or before the tenth day of March next.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved January 15, 1848.

No. 5.

AN ACT to provide for defraying the expenses of enlisting, transporting and subsisting the volunteer regiment called from this State, to serve in the existing war with the Mexican Republic.

\$5,000 appropriated at disposal of Governor for expenses of volunteer regiment.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That out of the moneys in the Treasury, to the credit of the general fund, a sum not exceeding five thousand dollars be, and the same is hereby appropriated, and placed at the disposal of the Governor of this State, to be by him applied in defraying the expenses that have been, and may hereafter be incurred in enlisting, subsisting and transporting into service, the volunteer regiment called from this State, to serve in the existing war with the Republic of Mexico.

Sec. 2. Upon the presentation at the State Treasury of any draft, order or certificate, signed by the Governor, and drawn against the sum appropriated in the first section of this act, and for the purposes therein specified, it shall be the duty of the State Treasurer to pay the same out of any moneys in the Treasury, to the credit of the general fund. State Treasurer to pay out on the draft of the Governor.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 15, 1848.

No. 6.

AN ACT to amend title 21, chapter 94, section 18, of the Revised Statutes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That title 21, chapter 94, section 18, of the Revised Statutes be amended, by adding after the word "therein," in the sixth line of said section, the following: "Whereupon the said Justice of the Peace shall discharge said person from custody." Revised Statutes amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 21, 1848.

No. 7.

AN ACT to amend an act entitled "an act to appoint Commissioners to lay out a certain State road," approved March 17, 1847.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled an act to appoint Commissioners to lay out a certain State road, approved March 17, 1847, be, and the same is hereby amended, by striking out the second section thereof, and adding in lieu thereof the following sections, to stand as a part of said act, viz :

Sec. 2. It shall be the duty of the Commissioners appointed by the first section of the act hereby amended, to cause the survey and field notes of said State Board, together with a map thereof, to be filed in the office of the Secretary of State ; also, so much of said survey and field notes of said State Road, as is embraced within the limits of each Duty of commissioners to file survey, &c.

of the several townships through which said road has been by them laid, to be filed for record in the office of the clerk of said townships respectively.

Commissioners to expend subscriptions.

Sec. 3. That for the purpose of opening said road for public travel, the said Commissioners are hereby authorized forthwith to lay out and expend the money and labor subscribed by individuals, for that object, in cutting, clearing, grubbing, grading, ditching and bridging, upon the portions of said road running through lands, the owners of which shall relinquish all claim for damages against the proper townships for the laying out and opening said road through their premises respectively.

Appraisal of damages.

Sec. 4. If any person interested in lands through which said road has been laid, shall, for any cause, refuse to relinquish his claim for damages on account of the laying out and opening of said road, for the space of ten days after personal service of a copy of this act and the act to which this act is amendatory, the said Commissioners or any one of them may apply to a Justice of the Peace of the township in which said premises are situated, or an adjoining township, for the appointment of three appraisers to appraise said damage, and thereupon the same proceedings shall be had in all respects, as is provided by law, in case of the laying out of a road by the Highway Commissioners of a township.

When road to be a public highway.

Sec. 5. Upon the filing of the survey and field notes, as provided in this act, and upon the payment of the damages awarded in any such appraisal and the proper expenses thereof, the said State road shall become a public highway, to be further worked and improved, according to the provisions of the existing law relative to public highways.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved January 22, 1848.

No. 8.

AN ACT to extend the time for the collection and return of certain taxes for the year 1847, in the townships of Monroe and Frenchtown.

Time for collection extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That the time for the collection of*

taxes in the townships of Monroe and Frenchtown, and county of Monroe, for the year 1847, upon the property of residents, is hereby extended until the first Monday in March next.

Sec. 2. The township Treasurers of said townships of Monroe and Frenchtown, are hereby authorized and empowered to proceed and collect said taxes as fully as they could have done during the life time of their warrant, and make their returns at any time, on or before the first Monday of March next; and the said warrants are hereby continued in full force and virtue for the purpose aforesaid, until the said first Monday in March next. ^{Duty of Town treasurers.}

Sec. 3. It shall be the duty of the Treasurers of the said townships of Monroe and Frenchtown, before they shall be entitled to the benefits of this act, to pay over all moneys by them collected during the life time of their warrants, in the manner now provided by law, and to renew their official bonds to the satisfaction of the Treasurer of Monroe county. ^{And.}

Sec. 4. A transcript of all unpaid taxes returned to the County Treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year 1847, duly returned to the Auditor General for non-payment. ^{Unpaid taxes.}

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 25, 1848.

No. 9.

AN ACT relative to pending proceedings for the partition of real estate.

Whereas, Proceedings for the partition of real estate, under the Revised Statutes of 1838, were in many instances pending and undetermined in several of the Courts of this State, at the time the Revised Statutes of 1846 came into operation; and that it is expedient that all such should be proceeded in, determined and consummated, under the provisions of the Statutes respectively under which they were commenced; therefore ^{Preamble.}

Be it enacted by the Senate and House of Representatives of the

Partitions,
how pro-
ceeded in.

State of Michigan, That all proceedings had for the partition of real estate, in this State, and which were pending and undetermined as aforesaid, at the time the revision of 1846 came into operation, may and shall be proceeded in, determined and consummated by the Courts respectively in which the same may be so pending, in accordance with, and under the provisions of the Statutes under which the same may have been commenced ; and every partition so made shall be as valid and effectual as if the law under which the same had been commenced still continued to be in force, any law to the contrary thereof notwithstanding, provided proceedings shall not have been commenced or prosecuted under the Revised Statutes of 1846.

Approved January 25, 1848.

No. 10.

AN ACT to amend an act entitled "an act relative to ward elections in the city of Detroit, and for other purposes," approved March 27, 1839.

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of said act be, and the same is hereby amended, by striking out within the fourth line the word "twelve," and inserting the word "fourteen," and by striking out in the fifth line the word "six," and inserting the word "seven," and by adding at the close of said section the words: "that the electors of the seventh ward in said city shall, on the first Monday of March, 1848, elect two Aldermen, and on the ballots containing the names of the candidates for said Aldermen, the one intended to be voted for to serve one year, shall be so designated on said ballot, and the one intended to be voted for to serve two years, shall be so designated on said ballot.

Ibid.

Sec. 2. Amend section two of said act by inserting after the word "election," in line four the words "in the seventh ward on the first Monday of March, 1848.

Ibid.

Sec. 3. Amend section three of said act by striking out the word "six," in the second line, and inserting the word "seven."

Ibid.

Sec. 4. Amend section "fourteen," by striking out the fifth subdivision of said section, and inserting the following words: "the fourth ward all south of the Gratiot road, between the centre of St. Antoine

and Rivard streets ; the seventh ward all south of the Gratiot road, east of the centre of Rivard street.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 25, 1848.

No. 11.

AN ACT to change the name of the township of Wayne, in the county of Wayne.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the name of the township of ^{Wayne to} ~~Wayne~~ ^{Romulus.} Wayne, in the county of Wayne, be, and the same is hereby changed to that of Romulus, and by that name it shall hereafter be known and designated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 26, 1848.

No. 12.

AN ACT to amend section forty-four, (44,) of chapter twelve, (12,) of the Revised Statutes of 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section forty-four of chapter twelve of the Revised Statutes of 1846, be amended by striking out the word "attorney," in the first line, and inserting the word "auditor," and by striking out the word "auditor," in the ninth line of said section, and inserting the word "attorney." ^{Revised Statutes amended.}

Sec. 2. It shall be the duty of the Attorney General to appear in ^{Duty of At-} ~~behalf~~ ^{torney Gen-} of the State, before the Board of State Auditors, when they ^{eral.} shall sit to audit claims against the State, and to that end, said Board shall give said Attorney General timely notice of the time and place of their meeting to audit such claims.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 26, 1848.

No. 13.

AN ACT to amend "an act" entitled "an act" to regulate proceedings in cases pending in Chancery and the Circuit Courts, and to amend an act for revising and consolidating the general Statutes of Michigan, approved May 18, 1846, approved February 27, 1847.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act to regulate proceedings in cases pending in Chancery and the Circuit Courts, and for other purposes, approved February 27, 1847, be, and the same is hereby amended by striking out in the fourth line of section three, after the word "to," the word "each," and by striking out in the fifth line of said section after the word "in," the word "some," and inserting therein the word "any," and in the sixth line of said section, after the word "act," insert the following: "And in case of sickness, absence from the State, or for any other cause, the Justice assigned to hold any one or more of said circuits, shall be unable to hold the same, the said Justice may assign another Justice of the Supreme Court to hold said circuit or circuits; so that the said section three, as amended, shall read as follows: "Sec. 3. For the purpose of disposing of all causes and matters pending and undetermined in the Court of Chancery on the first day of March next, it shall be the duty of the Justices of the Supreme Court to assign to one of said Justices the duty of holding a Court of Chancery in any one or more of the Chancery circuits, as established by law, at the time of the passage of this act; and in case of sickness, absence from the State, or any other cause, the Justice assigned to hold any one or more of said circuits, shall be unable to hold the same, the said Justice shall appoint one of the other Justices of the Supreme Court to hold said circuit or circuits; and each of said Justices are for the purpose aforesaid, hereby vested with all powers possessed by the Chancellor of this State; and the rules of the Court of Chancery now in force, shall, so far as the same are applicable, continue in force until said causes are finally disposed of, or unless the same be altered by the said Justices, or one of them, while sitting in the Chancery circuit assigned to him.

Section as amended.

On failure of Justices to assign a Judge, either may hold the term.

Sec. 2. If the Justices of the Supreme Court shall not assign to any one of their number the duty of holding Courts of Chancery, as contemplated by this act, either of said Justices may hold a Court in any of the Chancery circuits at the appointed terms of said Chancery Court, or at any adjourned terms thereof.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 26, 1848.

No. 14.

AN ACT to increase the number of Masters in Chancery in the several counties in the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section forty-eight of chapter ninety-five, title twenty-one, of the Revised Statutes of 1846, be so amended as to read as follows: "There shall be appointed by the Governor, by and with the advice and consent of the Senate, three Masters in Chancery in each county in this State, and an additional Master to every ten thousand inhabitants therein, according to the census which shall have been last taken; but there shall not be more than four Masters in Chancery appointed for any county, except the counties of Wayne and Oakland, in each of which, five may be appointed." Revised Statutes amended.
Wayne and Oakland.

Sec. 2. This act shall take effect from and after its passage.

Approved January 26, 1848.

No. 15.

AN ACT authorizing and empowering the Secretary of State to dispose, by sale or exchange, of certain Statute Books.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Secretary of State is hereby authorized and empowered to dispose of the following volumes of the Statute Books of this State, by sale or exchange, for other and miscellaneous books, that is to say: Seven hundred and fifty copies of the Revised Statutes of the State of Michigan, passed at the adjourned session of 1837, and the regular session of 1838. Also, seven hundred and fifty copies of the Revised Statutes of the State of Michigan, passed and approved May 18, 1846: *Provided*, the price of the first named Statutes shall not be less than one dollar and fifty cents per copy, and of the last named, two dollars and fifty cents per copy. Duty of Secretary of State to sell & exchange books, &c.

And, also, so much of the paper purchased for printing the Revised Statutes of 1846, and now remaining in the city of Detroit, as he may deem advisable, at a price of not less than three dollars and eighty-seven cents per ream.

Secretary to
pay over
moneys.

Sec. 2. All moneys received by the Secretary of State for volumes sold as above provided, shall be paid by him into the Treasury of the State, and all books received in exchange, as therein provided, shall be deposited in the State Library.

Approved January 26, 1848.

No. 16.

AN ACT to extend the time for the collection of taxes in the townships of Battle Creek, Emmett and Bedford, in the county of Calhoun.

Time extend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the several townships of Battle Creek, Emmett and Bedford, in the county of Calhoun, for the year 1847, is hereby extended until the first Monday of April next.

Duty of
treasurers.

Sec. 2. The Treasurers of the said several townships are hereby authorized and empowered to proceed and collect said taxes as fully as they could do during the life time of their warrants, and make their returns at any time on or before the first Monday of April next; and their said warrants are hereby continued in force for the purposes aforesaid, until the said first Monday of April next.

Ibid.

Sec. 3. It shall be the duty of the several Treasurers aforesaid, before they shall be entitled to the benefits of this act, to pay over all moneys collected in the life time of their warrants, as is now provided by law, and to renew their official bonds to the satisfaction of the Treasurer of the county of Calhoun.

Unpaid taxes to be re-
turned.

Sec. 4. A transcript of all unpaid taxes returned to the County Treasurer, in pursuance of the provisions of this act, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest, computed from the same time as other taxes, for the year 1847, duly returned to the Auditor General for non-payment.

Sec. 5. The time for the collection and return by the several Town-

ship Treasurers aforesaid of so much of the taxes in their respective townships, as are contained in the column of school taxes in "Union School District, number one, of Battle Creek, Emmett and Bedford," Time for collection of Union sch'l taxes extended. formed from portions of each of said townships, and remaining uncollected on the said first Monday of April next, be, and the same is hereby extended until the first day of September next.

Sec. 6. If any of the taxes specified in the last preceding section ~~had~~ of this act, remain unpaid at the time of the election and qualification of a Township Treasurer for the next year, in all or either of said townships, the said Treasurers shall immediately give security to the County Treasurer, in the usual form, and for the balance so remaining uncollected, and thereupon the said County Treasurer shall deliver him the tax roll aforesaid, with the warrant attached, and the warrant shall have thereafter the full force and effect of an original warrant, so far as said uncollected school taxes are concerned, and shall continue in force until the first day of September next.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved January 28, 1848.

No. 17.

AN ACT to extend the time for the collection of taxes in the city of Detroit, for the year 1847.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time for the collection of the State and County taxes in the city of Detroit, for the year 1847, is hereby extended until the first Monday of March next. Time extended.

Sec. 2. The collectors of the several wards of said city, are hereby authorized to proceed and collect said taxes as fully as they might do during the life time of their warrants, for that purpose, and to make their returns on or before the first Monday in March next, and said warrants are continued in full force for said purpose until said time. Duty of collectors.

Sec. 3. Upon the taxes due from all persons availing themselves of the extension of time herein authorized, the collectors are required to add one per cent, and shall collect, account for, and pay over the same with the original taxes. One pr cent added on taxes extended.

Sec. 4. It shall be the duty of the several collectors aforesaid, before they shall be entitled to the benefits of this act, to pay over all Duty of collectors,

moneys collected during the life time of their warrants, as provided now by law, and to renew their official bonds, to the satisfaction of the Treasurer of the county of Wayne.

Unpaid taxes.

Sec. 5. A transcript of all unpaid taxes returned to the County Treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable ; and such unpaid taxes shall be collected in the same manner, and with interest, computed from the same time as other taxes, for the year 1847, duly returned to the Auditor General for non-payment.

Sec. 6. This act shall take effect from and after its passage.

Approved January 29, 1848.

No. 18.

AN ACT to provide for the payment of the Private Secretary of the Governor, and for other purposes.

Revised Statutes amended.

Private Secretary of the Governor.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section three, title three, of chapter twelve, of the Revised Statutes of 1846, be, and is hereby amended so as to read as follows : Sec- 3. The Governor may, at the commencement of each session of the Legislature, appoint a Private Secretary, who shall hold his office during the session, unless sooner removed by the Governor, and shall receive for such services the sum of three dollars per day for the time employed, unless the Legislature shall otherwise direct ; such sum to be paid on the joint order of the President of the Senate and Speaker of the House of Representatives, by the State Treasurer.

Approved January 29, 1848.

No. 19.

AN ACT to extend the time for the collection of certain taxes for the year eighteen hundred and forty-seven, in the township of Hamtramck, county of Wayne.

Extension of time.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Hamtramck, for the year eighteen hundred and

forty-seven, upon the property of residents, is hereby extended until the first day of March next.

Sec. 2. The collector of said township is hereby authorized and ^{Duty of collector.} empowered to proceed and collect said taxes as fully as he could do during the lifetime of his warrant, and make his return at any time on or before the first day of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid, until the said first day of March next.

Sec. 3. It shall be the duty of the collector of said township, before ^{and} he shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the Treasurer of the county of Wayne.

Sec. 4. A transcript of all unpaid taxes returned to the County ^{Unpaid taxes to be returned.} Treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes, for the year eighteen hundred and forty-seven, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect from and after its passage.

Approved January 29, 1848.

No. 20.

AN ACT to provide for the payment of Andrew Harvie while claiming a seat in the House of Representatives. }

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the State Treasurer be, and is hereby authorized to pay, upon the certificate of the Speaker of the House of Representatives, such sum as may be due Andrew Harvie, for travel to and from the Capitol, at the rate of three dollars for every twenty miles, and three dollars for every day's attendance while claiming a seat as a member of the House of Representatives during the present session. ^{Compensation to Andrew Harvie.}

Sec. 2. That there be appropriated out of any money in the State

Amount ap- Treasury, not otherwise appropriated, a sum sufficient for the purpose
propriated. aforesaid.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 29, 1848.

No. 21.

AN ACT to amend an act entitled "an act appropriating certain highway taxes for the improvement of a road in the counties of Van Buren and Berrien," approved March 17, 1847.

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act appropriating certain highway taxes for the improvement of a road in the counties of Van Buren and Berrien," approved March 17, 1847, be amended by inserting after the word "provided," in the last line of section one, of said act, the following, viz: "That where the lines running parallel to said road, at the distance of one mile and a half from it on either side thereof, shall intersect any legal subdivision of land, as usually sold at the United States Land office, the non-resident highway taxes of all such subdivisions, and such only, shall be appropriated for the purpose mentioned in said act, as have their greatest proportion lying between such parallel lines and the road aforesaid."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 29, 1848.

No. 22.

AN ACT to amend an act entitled "an act to authorize the Supervisors of the County of Kent to construct a canal and locks around the rapids of Grand River and Grand Rapids."

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to authorize the Supervisors of the county of Kent to construct a canal and locks around the rapids of Grand River at Grand Rapids, approved

February 20, 1847, be so amended as to authorize and require the commissioner of the State land office to sell to the order of the Board of Supervisors of the county of Kent or their authorized agent, at the price of one dollar and twenty-five cents per acre, the whole or any portion thereof, in any legal subdivisions, the lands appropriated in section number two of said act : *Provided*, That for the term of one year from the passage of this act all the lands selected under the provisions of the act hereby amended lying within the limits of township five, north of range fourteen west, and township five, north of range thirteen west, shall be reserved by the Commissioner of the Land office, and certificates of sale for any tract or parcel thereof shall during the said year only be issued upon the presentation of a written order therefor, signed by the Rev. A. C. Van Ralte, the recognized director of the affairs of the Holland Colony.

Land appropriated, how sold.

Sec. 2. The said commissioner shall receive in payment for all such sales as may be made under the provisions of this act, internal improvement warrants of this State, or specie, and hold the said funds, whether warrants or specie, until such time as the judges of the counties of Kent and Ionia, or a majority of them, shall, as contemplated by section six of said act, certify and file in the State land office, that said work has been finished and completed, when the said specie or warrants, or both, as the case may be, shall be paid over by said commissioner, to the order of the said Board of Supervisors or their successors in office, to such person or persons as shall be designated by them, in lieu of the lands so sold : *Provided*, That whenever the contractor for said work shall have completed one half of the work contemplated by said act, and the Board of Supervisors of Kent county shall so certify to the commissioner of the State land office, the said commissioner shall be, and he is hereby authorized and required to pay over to said contractor an amount of the proceeds of the sales of said lands not exceeding in amount one quarter of the whole of said appropriation : *Provided*, The said contractor shall file with said commissioner satisfactory security for the refunding of the same in case he, (the said contractor,) shall fail to complete the said canal, locks and dam within the time and in the manner specified by said act.

Funds receivable in payment and duties of commissioner.

Proviso.

Proviso.

Sec. 8. That section four of said act be amended by striking out the words "thirty-five," in the third line of said section, and inserting

Act amended.

the word "ten ;" also, by striking out the word "thirty," in the fourth line of said section, and inserting the words "twenty-two ;" also, by striking out the words "twenty-nine," in the fifth line of said section, and inserting the words "twenty-one ;" also, by striking out the words "one-hundred and thirty," in the fifth and sixth lines of said section, and insert the words "one hundred and five," so that the said section shall read as follows : "That the said canal shall not be of less capacity than forty-five feet on the water line, four feet deep at all seasons, and the lock or locks not less than one hundred and ten feet in length, and twenty-two feet in width in the clear ; and the same shall be so constructed as to receive boats twenty-one feet wide and one hundred and five feet long, and of thirty inches draft, in slack water below the foot of the rapids, and pass them to slack water above the rapids, at all stages of the water : *Provided*, That the Board of Supervisors or a majority of them, and the contractor and his sureties for the completion of said work shall first, and on or before the first day of June next, file their assent to the provisions of this act in the State land office.

Proviso.

Rates of toll
and account
thereof.

Sec. 4. The rates of tolls which shall from time to time be collected as contemplated in sections seven and nine of said act, shall be paid into the Treasury of Kent county, and be denominated the canal fund ; and it shall be the duty of the County Treasurer for Kent county, after said work shall have been finished and completed, to keep a separate account of all moneys received for rates or tolls on account of said canal ; also, of all expenditures made for the purpose of keeping said canal, locks and dam in repair.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 29, 1848.

No. 23.

AN ACT to amend an act entitled an act to amend an act entitled an act to establish and improve the Pontiac and Grand River road, approved March 12, 1845.

Section 1. *Be it enacted by the Senate and House of Representa-*

tives of the State of Michigan, That section two of an act entitled an Act amended.
act to amend an act entitled an act to establish and improve the Pontiac and Grand River road, approved March 12, A. D. 1845, be amended by inserting after the words, of the county of Oakland, in the fourth line of said section, "and Marcellus Hillman, of the county of Livingston."

Sec. 2. And that section six be amended by striking out the words, Ibid.
"Board of Supervisors," in the seventeenth line of said section, so far as relates to the counties of Oakland, Genesee, Livingston and Shiawassee, and inserting therein the words "Judge of Probate."

Sec. 3. The several commissioners of said Board in the counties of Oakland, Genesee, Livingston and Shiawassee, in and for their respective counties, are each hereby invested with all the powers for opening said road in their respective counties, with which Commissioners of Highways are invested for opening highways in their several townships. Commissioner empowered.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved January 29, 1848.

No. 24.

AN ACT to provide for the payment of interest on the liquidated portion of the five million loan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State Treasurer is hereby authorized, from time to time, and as often as they semi-annually become due, to pay up and cancel the coupons upon the full paid five million loan bonds, and the interest on the bonds heretofore issued for unpaid interest on said loan bonds up to July 1, 1845, outstanding and falling due in January and July, annually, out of any moneys in the Treasury, to the credit of the general fund, and not otherwise appropriated, whenever, in his opinion, such payments can be made without impairing the ability of said fund, to promptly meet its just indebtedness and accruing liabilities. State Treasurer to cancel certain coupons on full paid bonds.

Sec. 2. To reimburse the said general fund for all payments made therefrom by the State Treasurer, in accordance with the provisions contained in the first section of this act, the said Treasurer is hereby State Treasurer to make transfer.

following proviso, to stand as a part of said section : *Provided*, That any order drawn or to be drawn by the said commissioners upon the Treasurer of the county of Lenawee, pursuant to the provisions of this section, shall be receivable by the Treasurers of the proper townships respectively, in payment of any tax assessed and levied upon any lands for the purposes mentioned in the act hereby amended.

Approved January 31, 1848.

No. 28.

AN ACT authorizing the Commissioner of the State Land Office to sell to the Township Board of the township of Caledonia, a certain piece of land.

Commiss'r
of land office
to sell cer-
tain piece of
land.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office be, and he hereby is authorized to sell, at the minimum price, three acres of land out of the south-east corner of the south-east one-fourth of section sixteen, in the township of Caledonia, in the county of Kent, to the Township Board, of said township : *Provided*, the said Commissioner is of the opinion that such sale will not prejudice the sale of the remaining portion of said land.

Approved January 31, 1848.

No. 29.

AN ACT to amend an act entitled an act to amend section forty-four of chapter twelve of the Revised Statutes.

State Audi-
tors to fix
time for
hearing
claims, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Board of State Auditors upon the presentation of any claim or matter which has been or which hereafter may be referred by the Legislature to them for adjustment, shall fix a time for the hearing thereof, reasonable notice of which shall be given by them to the Attorney General ; and they may in their discretion adjourn the hearing of any such matter from time to time.

May issue
subpoena.

Sec. 2. Any member of said board may issue subpoena for witnesses, whose attendance the board may compel by attachment, and who may be sworn by any member of the board.

Sec. 3. This act shall take effect from and after its passage.

Approved February 2, 1848.

No. 30.

AN ACT designating the places for holding the Senatorial Canvass in Senatorial Districts numbers four and five.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of section three, chapter eight, title two, of the Revised Statutes as requires the Senatorial canvass to be held in the county having the greatest number of inhabitants, shall not apply to Senatorial Districts numbers four and five. Revised Statutes amended.

Sec. 2. The Senatorial canvass in and for the fourth Senatorial District, shall from and after the passage of this act, be held at Cassopolis, at the office of the clerk of the county of Cass. Fourth Senatorial District.

Sec. 3. The Senatorial canvass in and for the fifth Senatorial District shall, from and after the passage of this act, be held at Kalamazoo, at the office of the clerk of the county of Kalamazoo. Fifth Senatorial District.

Approved February 3, 1848.

No. 31.

AN ACT to authorize William H. Brown to build a dam across the Thornapple, in the county of Kent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William H. Brown, his heirs and assigns, be, and they are hereby authorized and empowered to build a dam across the Thornapple river, in the county of Kent, on section ten, in township five, north of range ten west. Empowered to build dam

Sec. 2. Said dam shall not exceed six feet in height, and the occupant shall construct therein or thereat a convenient lock for the safe passage of boats, rafts and other water crafts, (whenever the County or Circuit Court of Kent county aforesaid, shall order the same to be done, upon good cause shown.) Height and particulars of dam.

Sec. 3. If at any time hereafter the water should be required to be drawn from said river, for the purposes of internal improvement or navigation, it shall not be lawful for the said William H. Brown, his heirs or assigns, to recover any damages therefor. When damages not to be claimed.

Sec. 4. Nothing in this act shall be so construed as to authorize the person above named, his heirs or assigns, to enter upon, or flow the lands of any person or persons. Not to flow lands of others.

Sec. 5. The Legislature may at any time alter, amend or repeal this act.

Approved February 3, 1848.

No. 32.

AN ACT appropriating certain internal improvement lands for the benefit of the Holland Colony, and other immigrants, now settling in the counties of Ottawa and Allegan.

Lands appropriated for wharf or pier.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That four thousand acres of internal improvement lands be, and they are hereby appropriated for the purpose of constructing a suitable and substantial wharf or pier upon the eastern shore of Lake Michigan, at the mouth of the north Black River, in the county of Ottawa, to induce and facilitate the landing from steamboats and other vessels, of all emigrants.

Ibid. for roads.

Sec. 2. In addition to the above, three thousand acres are hereby appropriated from the internal improvement lands, for the purpose of laying out, opening and improving certain roads in the counties of Allegan, Kent and Ottawa; said roads to be severally laid out upon the most eligible routes from the villages of Allegan, in the county of Allegan; Granville, in the county of Kent, and Grand Haven, in the county of Ottawa, respectively, and to be terminated at such point or points, within the limits of the present settlement of the Holland Colony, as shall be deemed most conducive to the best interests of said Colony: *Provided*, That one-third of the said lands, or the avails thereof, shall be laid out and expended upon each of said roads respectively.

Appointment of special commissioner and selection of lands.

Sec. 3. For the purpose of carrying into effect the provisions of this act, the Governor of the State is hereby authorized to appoint a special commissioner to make a selection of the lands hereinbefore appropriated, and to report such selection to the commissioner of the State land office, who shall thereupon reserve the same from sale, issuing no certificate for any tract or parcel thereof, except upon the order of said special commissioner: *Provided*, That the said special commissioner, previous to entering upon any of the duties of this act, shall take and subscribe to the constitutional oath, and file good and sufficient bonds for the faithful fulfillment of the duties of said office, to be approved by the Auditor General.

Sec. 4. The said special commissioner shall, in virtue of his appointment, have the control and management of the several improvements in this act specified, and shall have power to let out by contract the erection of said wharf or pier, and the opening and working said roads, to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the contract : *Provided*, That before such letting, the said commissioner shall advertise for proposals for constructing said wharf or pier, and roads, or either of them ; such advertisement to be published for three successive weeks, in a newspaper published in the counties of Kent and Allegan respectively.

Powers and duties of special commissioner.

Sec. 5. Whenever any contractor, under the preceding section of this act, shall have finished his job, according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or any service shall have been rendered by any person, under the provisions of this act, it shall be the duty of such special commissioner to pay such contractor, or for such other services, by his order drawn on the commissioner of the State land office, which orders shall be received at the land office, in payment for any land selected and reserved from sale by the third section of this act : *Provided*, That nothing herein contained shall authorize the commissioner of the State land office to sell any of said land at a less price than that now established by law, for the sale of internal improvement lands.

Contractors, how paid.

Sec. 6. For the purpose of laying out, opening and improving said several roads, the said commissioner shall possess the power now conferred by law upon the highway commissioners of the several townships through which said roads, or either of them, shall be laid, and for settling and adjusting all claims for damages, by persons interested in the lands through which said roads, or either of them, shall be laid, he may apply to a justice of the peace of the proper township, or an adjoining one, for the appointment of three appraisers, and the same proceedings shall be thereupon had in all respects, as are now provided by law for the settlement of like cases by highway commissioners.

Power of commis'r in laying out highways, &c.

Sec. 7. The said commissioners shall cause an accurate profile, map and field notes of the survey of said several roads, or so much thereof as may be within the limits of each township, and not run upon the line of an established road, to be filed in the office of the proper

Profile and maps to be filed.

township clerk, who shall record the same in the manner now provided by law for public highways.

Compensation of special commissioner.

Sec. 8. Said commissioner shall proceed in the outlay of the appropriations made by this act, with all the diligence and despatch compatible with proper economy and the best interests of the State and the Holland Colony, and shall receive for his services a sum not exceeding three dollars per day for the time necessarily employed by him in discharging the duties devolved upon him by the provisions of this act, payable pro rata from the aforesaid appropriations, when verified by his oath.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved February 3, 1848.

No. 33.

AN ACT to authorize Joel Rathbone to sell certain lands.

Guardian authorized to sell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Joel Rathbone, of the city of Albany, in the State of New York, guardian of Henry Reed Rathbone and Jared L. Rathbone, infant heirs of Jared L. Rathbone, deceased, be, and he is hereby authorized and empowered to convey by deed, on the behalf of said infant heirs, all the right, title and interest, which said heirs had to any land in this State, the legal title to which was on the thirteenth day of May, A. D. eighteen hundred and forty-five vested in said Jared L. Rathbone, now deceased, and Lyman Chapin, as tenants in common.

Guardian to account, &c.

Sec. 2. The said guardian shall account to the said infant heirs for their shares of the proceeds of any land conveyed under the provisions of this act, in the same manner and to the same extent as he is liable to account for other property of said infants, which may have come into his hands.

Sec. 3. This act shall take effect from and after its passage.

Approved February 5, 1848.

No. 34.

AN ACT to extend the time for the collection of taxes in the township of Pontiac, in the county of Oakland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Pontiac, in the county of Oakland, for the year eighteen hundred and forty-seven, is hereby extended until the first Monday of April next. Time extended.

Sec. 2. The Treasurer of the said township of Pontiac is hereby authorized and empowered to proceed and collect said taxes as fully as he could do during the life time of his warrant, and make his return at any time on or before the first Monday of April next, and his said warrant is hereby continued in force for the purposes aforesaid until the first Monday of April next. Duty of township Treasurer.

Sec. 3. It shall be the duty of the Treasurer aforesaid before he shall be entitled to the benefits of this act, to pay over all moneys collected in the life time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the Treasurer of the county of Oakland.

Sec. 4. A transcript of all unpaid taxes returned to the County Treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and with the same effect, and such unpaid taxes so returned shall be collected in the same manner, and with interest computed from the same time as the annual taxes, for the year eighteen hundred and forty-seven, duly returned to the Auditor General for non-payment. Unpaid taxes.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 7, 1848.

No. 35.

AN ACT to amend and add to the act approved January 25, A. D. 1848, entitled an act to amend an act entitled an act relative to ward elections, in the city of Detroit, and for other purposes, approved March 27, 1839.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the proceedings of the Common Certain proceedings legalized.

Council of the city of Detroit, had by the Mayor, Recorder and six Aldermen, on the 25th of January, A. D. 1848, are hereby declared to be, and shall be held as valid and legal as if the act to which this is amendatory and additional had not become a law.

Quorum defined.

Sec. 2. Until the Mayor and Aldermen to be elected at the next charter election are elected and qualified, the Mayor, or Recorder, and five Aldermen shall constitute a sufficient and legal quorum of the Common Council of said city.

Charter amended.

Sec. 3. That the word "six," in the second line of section four of the act entitled "an act to amend the Charter of the City of Detroit," approved February 23, 1846, be stricken out, and the word "seven" be, and hereby is inserted instead thereof, so that said section as amended shall read as follows :

"Sec. 4. There shall be chosen by the electors of the city of Detroit, at each charter election hereafter to be held, seven collectors, one from each ward, who shall hold their office for one year, whose duty it shall be to collect the city and school taxes, and the State and county taxes, in their respective wards. They shall be required to give bonds in such manner, and be entitled to such compensation as is or may be prescribed by law for township officers doing the like duties : *Provided*, That for collecting city and school taxes, such collectors shall be entitled to take and receive only such compensation as may be provided and allowed therefor, by the Mayor, Recorder and Aldermen of the city of Detroit."

Constable to be elected in 7th ward.

Sec. 4. There shall be elected in the seventh ward of the city of Detroit, at the next charter election, and annually thereafter, a constable, who shall have the same authority and privileges, and perform the same duties as the other constables of said city.

First election, how to be held, &c.

Sec. 5. The first election in said seventh ward shall be held at the house of John Reno, in said seventh ward, on the first Monday of March next, and the electors of said ward shall, at nine o'clock on the morning of the election day, at the house of said John Reno, in said seventh ward, elect two of their number to act as inspectors of election, who, with the assessor of said ward, shall be the inspectors of said election, and shall be duly sworn to a faithful discharge of their duties, and said inspectors may appoint a proper person of said ward to act as constable at and about the polls in said ward for that day.

Common Council to appoint assessor of 7th ward.

Sec. 6. The Common Council of said city may appoint a discreet person from the electors of said seventh ward as assessor of said ward, who shall take the same oath as is required of township assessors, and

shall perform all the duties of assessor of and in said ward, which are required of a ward assessor, or of the two assessors in a district in said city, as provided by statute. And he shall meet with the other assessors to review the rolls. The assessor so appointed shall hold his office until the second Monday in April next.

Sec. 7. At the first charter election in said seventh ward, and annually thereafter, there shall be elected by the electors, one assessor for said ward, who shall perform all the duties of assessor therein and thereof. The assessor elected at the first election, shall commence the duties of his office on the second Monday of April next, and remain in office until his successor is elected and qualified.

Assessor of 7th ward to be elected annually.

Sec. 8. This act shall take effect from and after its passage.

Approved February 8, 1848.

No. 36.

AN ACT authorizing John A. Brooks to build a dam across the Muskegon river, in the county of Newaygo.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That John A. Brooks, his heirs and assigns, are hereby authorized and empowered to build a dam across the Muskegon river, on section nineteen, in town twelve, north of range twelve west.

Dam authorized.

Sec. 2. That the said dam shall not exceed eight feet above common low water mark, and shall contain a convenient lock for the passage of all boats, barges, rafts or other water craft that may navigate said river, and shall be so constructed as to receive such boats and other water craft, in slack water of sufficient depth, below said dam, and to pass them to slack water of sufficient depth, above said dam, for all the purposes of the navigation of said river at all times ; and, also, a good and sufficient shute for the passage up and down said river of fish, at all times during the season of high waters.

Description of dam, lock, &c.

Sec. 3. It shall be the duty of the owners of said dam, at all times, to keep said lock in repair, and to pass any water craft through the said lock, free of toll, and without unnecessary delay; and any person who shall be so detained, shall be entitled to recover of the said owners the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with the costs of suit.

Duties of owners, &c.

Injuries to
dam punish-
able.

Sec. 4. Any person who shall wilfully or maliciously destroy or injure the said lock or dam, shall be deemed guilty of a misdemeanor, and on conviction thereof, be punished by fine and imprisonment, in the discretion of the court.

Rights of in-
dividuals re-
served, &c.

Sec. 5. Nothing herein contained shall authorize the individual named in the first section of this act, his heirs or assigns, to enter upon or flow, or otherwise injure the land of any person or persons, without the consent of such person or persons, and the Legislature may at any time hereafter, alter, amend or repeal this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved February 11, 1848.

No. 37.

AN ACT to provide for recording the evidences of the approval by the general government of the selections of lands made by this State under act of Congress, and for other purposes.

Duties of
Secretary of
State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the certificates of the Secretary of the Treasury of the United States of his approval or the certificates and letters of the commissioner of the general land office of the United States, of the approval by the Secretary of the Treasury of the selection of any lands heretofore granted, or which hereafter may be granted by the Congress of the United States to this State, and which certificates and letters have been or hereafter may be received by the Secretary of the State, shall, together with their accompanying lists or descriptions of land, be recorded by him in a book kept for that purpose.

Record
made to be
evidence.

Sec. 2. Such record or a transcript thereof, certified by the Secretary of State, under his seal of office, shall be received in any court of this State, as evidence of title in the State, to any of the lands therein mentioned.

Sec. 3. This act shall take effect, and be in force from and after its passage.

Approved February 11, 1848.

No. 38.

AN ACT requiring compensation for causing death by wrongful act, neglect or default.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would, (if death had not ensued,) have entitled the party injured to maintain an action, and recover damages, in respect thereof, then and in every such case, the person who, or the corporation which would have been liable, if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony. Cause of action defined.

Sec. 2. Every such action shall be brought by, and in the names of the personal representatives of such deceased person, and the amount recovered in every such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in the proportions provided by law in relation to the distribution of personal property, left by persons dying intestate; and in every such action, the jury may give such damages as they shall deem fair and just, with reference to the pecuniary injury resulting from such death, to the wife and next of kin of such deceased person. By whom suit is to be brought, for whose benefit, and measure of damages.

Approved February 12, 1848.

No. 39.

AN ACT authorizing the Board of Supervisors of Wayne county to levy a special tax for defraying the expenses of erecting a jail in and for said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Board of Auditors of the county of Wayne, in making their report to the Board of Supervisors in said county for the year eighteen hundred and forty-eight, shall include in the amount of tax necessary to be raised therein for county purposes, the amount actually expended and necessary to be expended in the completion of, and for defraying the expenses incurred by the recent erection of a jail in and for said county. Board of auditors to report amount expended, and to be expended.

Amount au-
thorized.

Sec. 2. The Board of Supervisors of the county of Wayne are hereby authorized to raise a sum not exceeding nine thousand dollars by a tax upon the taxable property in said county, in addition to the sum necessary for the ordinary county tax, which said sum shall be levied and collected at the same time, in the same manner, and together with the other county tax for the year eighteen hundred and forty-eight, without giving the notice required in section ten of chapter fourteen, of the Revised Statutes, and when so collected, the said sum of nine thousand dollars shall be applied in payment of the new jail erected as aforesaid.

How collec-
ted.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 12, 1848.

No. 40.

AN ACT appropriating certain internal improvement lands for the purpose of constructing bridges across Muskegon river, in the county of Newaygo, and for laying out, establishing, and improving a road from Newago, in the county of Newaygo, to Grand Rapids, in the county of Kent.

1,000 acres
appropri-
ated for free
bridge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That one thousand acres of internal improvement lands be, and the same are hereby appropriated for the purpose of constructing a good and substantial free bridge across the Muskegon river, in the county of Newaygo, on section nineteen, (19,) in town twelve, (12,) north range twelve west.

2,000 acres
for certain
roads.

Sec. 2. In addition to the above, two thousand acres are hereby appropriated from the internal improvement lands belonging to the State for the purpose of laying out, opening and improving a State road from Newaygo, in the county of Newaygo, to the village of Grand Rapids, in the county of Kent.

Description
of line of
road, &c.

Sec. 3. The State road contemplated in the preceding section of this act, shall commence at the bridge to be constructed on said section nineteen, (19,) as mentioned in the first section of this act, running thence south, on the town and county lines, (as near as may be, having reference to the nature of the ground and practicability for constructing a road thereon,) between the counties of Oattawa and

Kent, twenty-four miles, to section nineteen, (19,) in town eight, north of range twelve west, thence to the village of Grand Rapids, in the county of Kent, on the most feasible route.

Sec. 4. For the purpose of carrying the provisions of this act into effect, the Governor of this State is hereby authorized to appoint a <sup>Gov. to ap-
point special
commissioner</sup> special commissioner, to make a selection of the lands hereinbefore appropriated, but said commissioner shall not make any selections in less parcels than eighty acres in any one place, and to report such selections to the commissioner of the State land office, who shall thereupon reserve the same from sale, issuing no certificate for any tract <sup>Comm's du-
ties, &c.</sup> or parcel thereof, except upon the order of said special commissioner : *Provided*, That the said special commissioner shall first take and subscribe the constitutional oath of office, and shall file a bond, with sureties to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Sec. 5. The said special commissioner shall, in virtue of his ap- ^{ibid.} pointment, have the control and management of the several improvements specified in this act, and shall have power to let out by contract the building of said bridge, and the opening and working of said road, to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the contract : *Provided*, That before the said letting, the said commissioner shall advertise for proposals for constructing said bridge and road, or either of them, or any part of said road, in separate sections, describing the same, such advertisement to be published four successive weeks in a newspaper published at Grand Rapids.

Sec. 6. Whenever any contractor, under the preceding section of this act, shall have finished his job, according to the terms and speci- <sup>Contractors,
how paid.</sup> fications of his contract, and the same shall have been accepted by said special commissioner, or any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor according to the terms of such contract, or for any such services, by his order drawn on the commissioner of the State land office, which order shall be received at the land office in payment for any lands selected and reserved from sale by the fourth section of this act : *Provided*, That nothing herein contained shall authorize the commissioner of the State land office to sell any of said lands at a less price than that now established by law for the sale of

the internal improvement lands, or a less quantity in any one certificate of sale than the usual legal subdivision of said lands.

Power of
commissioner

Sec. 7. For the purpose of laying out, opening and improving said road, said commissioner shall possess the power now conferred by law upon the highway commissioners of the several townships through which said road shall be laid, and for settling and adjusting all claims for damages by persons interested in the lands through which said road shall be laid, he may apply to a justice of the peace of the proper township or an adjoining township, for the appointment of three disinterested appraisers, and the same proceedings shall thereupon be had in all respects as are now provided by law for the settlement of like cases by highway commissioners.

To cause
map &c. to
be filed.

Sec. 8. The said commissioner shall cause an accurate map and field notes of the survey of said road, or so much thereof as may be included within the limits of each township, and that shall not run upon the line of an established road, to be filed in the office of the proper township clerk or clerks, who shall record the same in the manner now provided by law for recording public highways.

Compensation
of com'r.

Sec. 9. Said commissioner shall proceed in the outlay of the appropriations made by this act, with all diligence and dispatch compatible with the proper economy and the best interests of the State, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable pro rata from the said appropriations, upon the warrant of the said Auditor General drawn upon the commissioner of the land office.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved February 14, 1848.

No. 41.

AN ACT to organize certain townships in the counties of Marquette, Houghton, Schoolcraft, and Ontonagon.

Section 1. *Be it enacted by the Senate and House of Representa-*

tives of the State of Michigan, That all that part of the county of ^{Township of} Houghton, designated as all that part of Kewanaw Point, east of the ^{Copper Har-} line between ranges twenty-nine and thirty west, and in townships ^{bor organizd} fifty-seven, fifty-eight and fifty-nine north, and the islands adjacent thereto, including Manitou Island, be, and the same is hereby set off and organized into a separate township by the name of Copper Harbor; and the first township meeting shall be held at the house now or recently occupied by D. D. Brockway, in said township.

Sec. 2. That all that part of the county of Houghton embraced in townships fifty-seven, fifty-eight, and fifty-nine north, of range thirty west, and the east half of townships fifty-seven and fifty-eight north, of range thirty-one west, be, and the same is hereby set off and organized into a separate township by the name of Eagle Harbor, and the first township meeting to be held at the house now or recently occupied by Hiram Joy. ^{Eag Harbor.}

Sec. 3. That all that part of the county of Houghton embraced ^{Houghton.} within the east half of townships fifty-seven and fifty-eight north, of range thirty-one west, and townships fifty-seven and fifty-eight north, of range thirty-two and thirty-three west, be, and the same is hereby set off and organized into a separate township by the name of Houghton, and the first township meeting shall be held at the house now or recently occupied by Martin Coryell.

Sec. 4. That all that part of the county of Houghton embraced within townships fifty-three, fifty-four, fifty-five, and fifty-six, north, of ^{Portage.} ranges thirty, thirty-one, thirty-two, thirty-three, and thirty-four west, including Traverse Island, and excepting that part of Point Abbaye embraced in townships fifty-three north, of ranges thirty and thirty-one west, be, and the same is hereby set off and organized into a separate township by the name of Portage, and the first township meeting to be held at the house now or recently occupied by R. Williamson.

Sec. 5. That all that part of the county of Houghton embraced within townships fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five and fifty-six north, of ranges thirty-five, thirty-six and thirty-se- ^{Algonquin.} ven west, be, and the same is hereby set off and organized into a separate township, by the name of Algonquin, and the first township

LAWS OF MICHIGAN.

meeting shall be held at the house now or recently occupied by the Algonquin Mining Company.

L'Ance.

Sec. 6. That all that part of the county of Houghton embraced within townships fifty, fifty-one and fifty-two north, of ranges twenty-six, twenty-seven and twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three and thirty-four west, and that part of Point Abaye embraced in township fifty-three north, of ranges thirty and thirty-one west, including the islands adjacent thereto, be, and the same is hereby set off and organized into a separate township by the name of L'Ance, and the first township meeting shall be held at the house now or recently occupied by Mr. Knapp.

Ontonagon.

Sec. 7. All that part of the county of Ontonagon lying east of the line between ranges forty and forty-one west, be, and the same is hereby set off and organized into a separate township by the name of Ontonagon, and the first township meeting shall be held at the house now or recently occupied by James Paul.

Pe-wa-bee.

Sec. 8. All of the county of Ontonagon lying west of the line running between ranges forty and forty-one west, be, and the same is hereby set off and organized into a separate township by the name of Pe-wa-bee, and the first township meeting shall be held at the house now or recently occupied by Thomas Palmer.

Marquette

Sec. 9. All that part of the state of Michigan known as the county of Marquette, be, and the same is hereby set off and organized into a separate township by the name of Marquette, and the first township meeting shall be held at the house now or recently occupied by Lucius A. Thayer.

Isle Royal.

Sec. 10. All that part of the State of Michigan known as Isle Royal, and the islands adjacent thereto in Lake Superior, be, and the same is hereby set off and organized into a separate township by the name of Isle Royal, and the first township meeting shall be held at the house now or recently occupied by Joseph Petty.

Grand Island

Sec. 11. All that part of the State of Michigan known as the county of Schoolcraft, be, and the same is hereby set off and organized into a separate township, by the name of Grand Island, and the first township meeting shall be held at the house now or recently occupied by John W. Williams.

Sec. 12. The township of Ste. Marie, in the county of Chippewa, ^{Chippewa.} shall include the entire territory of said county of Chippewa.

Sec. 13. The first township meetings for the election of township officers in the aforesaid townships, shall be held on the first Tuesday ^{First township meetings.} in July next ensuing, at the several places designated.

Sec. 14. This act shall take effect and be in force from and after its passage.

Approved February 15, 1848.

No. 42.

AN ACT to incorporate the Woodstock Manual Labor Institute.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jame G. Birney, William P. Russell, Prior Foster, Joseph Hewett, William W. Jackson and Joseph Foster, of the State of Michigan, together with such other persons as may be associated with them and their successors for that purpose, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Woodstock Manual Labor Institute, subject to the provisions relating to corporations, contained in chapter fifty-five of the Revised Statutes of eighteen hundred and forty-six, and such amendments thereof as may from time to time be made by the Legislature. ^{Corporation created and defined.}

Sec. 2. The trustees shall have power, and they are hereby authorized to establish in the township of Woodstock, in the county of ^{Powers of trustees.} Lenawee, an institution for the instruction of persons of color, and others, in ancient or modern languages, or literature, and the arts and sciences, and shall faithfully apply all funds received by them for that purpose, by subscription, bequest or otherwise, in providing suitable buildings, employing professors and teachers, procuring books, maps, philosophical and other apparatus necessary or proper for the successful prosecution of study in said institution.

Sec. 3. Said board of trustees shall be in law, capable of acquiring ^{Ibid.} and holding, by purchase, gift, grant, devise or bequest, or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, in value not exceeding the sum of twenty-five thousand dollars, for

the use of said corporation, and for the interest of said institute, and no other, and shall be held liable for all debts as partners in trade after the corporate property shall have been exhausted.

Visitation by
and annual
report to sup
of pub inst.

Sec. 4. The institution shall be subject to visitation at any time, by the superintendent of public instruction, and the trustee shall annually, on or before the twentieth day of October, in each year, make to the superintendent a full report of the literary and pecuniary condition of said institution.

Sec. 5. The Legislature may at any time alter, amend or repeal this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved February 19, 1848.

No. 43.

AN ACT to authorize Robert R. Thompson and Titus Yerkes, to erect and maintain a dam across, the Shiawassee River, in the county of Shiawassee.

Dam autho-
rized, height
&c. of,

To have lock
&c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for Robert R. Thompson and Titus Yerkes, their heirs or assigns, and they are hereby authorized to erect and maintain a dam not exceeding eight feet in height above common low water mark, across the Shiawassee river, on the north-east quarter of section thirty-six, in township seven, north, of range three east, in the county of Shiawassee: *Provided*, said dam shall be built within four years from the passage of this act: *And provided further*, the owner or occupant of said dam shall construct therein or thereat, a convenient lock, at least eighty feet in length and eighteen feet in width for the safe passage of boats, canoes, rafts and other water craft.

Injuries to
dam or lock
a misdemea-
nor.

Sec. 2. Any person who shall wilfully or maliciously destroy or injure the said dam, shall be deemed guilty of a misdemeanor, and on conviction thereof, be punished by fine and imprisonment, in the discretion of the court; but nothing in this act contained, shall be construed to effect the rights of individuals who may be injured by reason

of the erection or continuing said dam, and the legislature may at any time hereafter, alter, amend or repeal this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 19, 1848.

No. 44.

AN ACT to incorporate the Olivet Institute.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James Douglass, Carlow Reed, Oramel Hosford, Wm. Hosford, Enoch N. Bartlett, John G. Barns, Chas. M. Bordwell and Wilson C. Esdell, of the county of Eaton, together with such other persons as may be associated with them and their successors, for that purpose, shall be and they are hereby constituted a body politic and corporate, by the name and style of the Olivet Institute, subject to the provisions relating to corporations, contained in chapter fifty-five of the revised statutes of eighteen hundred and forty-six, and such amendments thereof as may from time to time be made by the legislature.

Olivet institute incorporated.

Sec. 2. The trustees shall have power, and they are hereby authorized to establish in the township of Walton, in the county of Eaton, an institution for the instruction of young persons, in ancient or modern languages or literature, and the arts and sciences; and shall faithfully apply all funds, received by them for that purpose, by subscription, bequest or otherwise, in providing suitable buildings, employing professors and teachers, procuring books, maps, philosophical and other apparatus, necessary or proper for the successful prosecution of study in said institution.

Trustees to establish and maintain literary institute &c.

Sec. 3. Said board of trustees shall be, in law, capable of acquiring and holding, by purchase, gift, grant, devise or bequest, or otherwise and of selling, conveying or leasing any estate, real, personal or mixed, in value not exceeding the sum of twenty-five thousand dollars, for the use of said corporation, and no other, and shall be held liable for all debts as partners in trade, after the corporate property shall have been exhausted.

Powers and liabilities of trustees.

Sup of pub
inst to visit
institution.

Sec. 4. The institution shall be subject to visitation, at any time, by the Superintendent of Public Instruction, and the trustees shall annually, on or before the 20th day of October, in each year, make to the Superintendent a full report of the literary and pecuniary condition of said institution.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 22, 1848.

No. 45.

AN ACT to amend the Charter of the City of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in all cases where a jury may be required by the common council of Detroit, the same shall be obtained in the following manner :

Assessors to
return lists
of jurymen.

Sec. 2. The common council may, at any time, not oftener than once a year, direct the assessors of their several wards or districts to select from their respective assessment rolls as last prepared, a list of the names of two hundred persons who are legally qualified voters and residents of the city of Detroit, and return the same to the common council, to serve as jurors in all cases required as aforesaid, which said returns shall be signed by said assessors respectively, and filed with the city clerk.

Duty of city
clerk.

Sec. 3. When such returns are all made as above provided, the city clerk shall write the names of said persons so selected on separate strips of paper, and deposit and preserve the same in a jury box, to be kept for that purpose ; and such persons so returned shall be liable to serve for the period of at least one year, and until another return shall be made in the manner aforesaid, under the direction of the common council.

How jury
shall be sum-
moned.

Sec. 4. Whenever a jury shall be required at a sitting of the Mayor's court, the city attorney shall notify the clerk of the same, who shall forthwith, in the presence of the presiding officer of the court, and the marshal, proceed to draw from said jury box the names of twelve persons who shall serve as such jurors, and the clerk shall immediate-

ly make out a venire facias, commanding the city marshal or any city constable, to summon the parties so drawn to attend the session of said court, and not depart the same until discharged, under such penalty, not exceeding ten dollars, as the court may impose ; and in case of a default in the attendance of such jurors, or in case the number in attendance be reduced by challenge, (the right to which is hereby extended to the parties as in circuit courts,) the said Mayor's court shall have the power to direct the summoning of talesmen, who shall be subject, in case of default, to the penalty in this section provided.

Sec. 5. Whenever the common council shall propose either to close, vacate, lay out, establish, open, make, widen, or in any manner alter any public street, lane or alley, highway water course or bridge, it shall, by resolution, order a jury to be drawn for that purpose from the aforesaid box, by the city clerk, in the presence of the mayor and recorder, and shall also give reasonable notice of the time, place and object of drawing said jury, to all persons whose property may be injuriously affected by the proposed measure. In the absence of either the mayor or recorder, from any cause, it shall and may be lawful for any one of the aldermen to attend the drawing of such jury, and to officiate in place of such absentee, in all respects, according to the provisions hereof.

Juries on laying out streets, &c.

Sec. 6. The clerk shall then draw from said jury box the names of eighteen disinterested persons, and any person whose property may be injuriously affected by the proposed measure may object to the name of any person who shall be drawn, on the ground of interest, and the mayor and recorder shall immediately try and summarily determine the question whether such person is interested or not.

Duty of city clerk.

Sec. 7. The clerk shall then make out a list of said eighteen persons and give the same to the city marshal, and shall summon any twelve of the same who can be found to attend forthwith before the city clerk ; and said twelve persons shall be empannelled by said clerk as a jury, and be by him sworn well and truly to inquire whether the public convenience and advantage require the thing to be done ; and if they find in the affirmative, then to enquire what damages, if any, the same will work to any owner or owners, occupier or occupiers of any premises to be affected thereby, and to assess the same, specifying the damages to every distinct piece of property so affected.

Ibid.

Verdict of jury.

Sec. 8. The jury shall then, under the direction of the city marshal, go to the premises where the proposed improvement is to be made, and view the same, and there determine upon the matters required by their oaths aforesaid, and give their verdict in writing, which shall be delivered to the city clerk, filed in his office and recorded by him in the records of the common council; and the said marshal shall not allow said jury to separate nor privately hold conversation with any person until they shall have delivered their verdict to the city clerk.

New jury.

Sec. 9. In case the mayor or recorder shall be satisfied that such jury cannot agree, he may discharge them, and a new jury may then be ordered by the common council as aforesaid.

Damages to be paid to city clerk.

Sec. 10. The damages, if any shall be awarded by said jury, shall be paid to the city clerk for the benefit of the persons entitled thereto, within thirty days after the verdict of the jury shall be returned, and recorded in the records of the common council.

When com. council to proceed on verdict of jury.

Sec. 11. If the verdict of the jury shall be in favor of the proposed improvement, after said verdict shall have been recorded as aforesaid, and after the damages which may have been awarded shall have been duly paid, the common council may direct the contemplated improvement or alteration to be made agreeably to the finding of the jury, in such manner as said council shall think proper.

Appeal from assessment of jury.

Sec. 12. Any person whose property is affected by such proceedings, and who is aggrieved thereby, may appeal to the circuit court of the county of Wayne, by filing a written notice of appeal, and a specification of the alleged error or errors in the proceedings, with the city clerk within five days after the verdict of the jury shall have been rendered, and it shall be the duty of the city clerk, within thirty days after the filing of such notice and specification, to certify fully all the proceedings in the case to the said circuit court: *Provided however*, that on such appeal nothing but the regularity of the proceedings shall be inquired into, and that such proposed improvement or alteration shall in no manner be stayed by such appeal.

Proceeding appeal.

Sec. 13. The circuit court may, on such appeal, affirm or reverse the proceedings, and award costs in such manner as they shall deem proper, but no reversal shall be granted for matter of form only, and in case of any error in matter of substance, the said erroneous proceeding and all proceedings subsequent thereto shall be reversed and set aside;

and thereupon the common council of the city may recommence at the last regular proceeding, and continue the same as herein provided for original proceedings: *Provided*, That the same may be so varied that the proceedings shall have reference only to the rights and interests of the appellant or appellants.

Sec. 14. After an appeal has been taken, and specification of errors filed as above provided, if the common council shall be satisfied that there has been error in any of the proceedings, it shall be lawful for them within twenty days after said appeal, to set aside proceedings in the same manner as is above provided in respect to the circuit court, and recommence proceedings as above provided; and in such case no further proceedings shall be had on the appeal; but a new appeal may be taken in all cases on renewed proceedings, in the same manner and with the same effect as on the original proceedings.

Council may set aside proceeding, and recommence

Sec. 15. If the property of several persons is affected by the proposed measure, the proceedings, if erroneous, shall be considered as reversed only in regard to the person or persons making the appeal, and no appellant, pending the appeal, shall be entitled to any money paid to the city clerk for his damages, and in case the proceedings are sustained, all costs awarded against the appellant shall be deducted from said damages, and the balance only paid to the appellant.

Appellant only entitled to reversal, &c.

Sec. 16. The common council shall have full power to prescribe the fees to be paid to the jurors and other officers for their services under the foregoing provisions.

Fees

Sec. 17. The mayor, recorder and aldermen of the city of Detroit are hereby authorized to divide the city of Detroit into three districts for the purposes of assessment. The first district to be composed of the first and second wards; the second district of the third, fourth and seventh wards; and the third district of the fifth and sixth wards; and the common council of said city may hereafter divide the said city into such assessment districts as may become necessary.

Assessment districts.

Sec. 18. There shall be chosen at the charter election for the year eighteen hundred and forty-nine, by the electors of the city of Detroit, one assessor for each of said districts, and for the following periods to wit: the assessor for the first district shall be elected and hold his office for the term of one year; the assessor for the second district, for the term of two years, and the assessor for the third district, for the term of three

Assessors.

years, and thereafter said assessors shall each and all be elected for the full period of three years.

Appraisement
of property.

Sec. 19. The three assessors so chosen from said districts shall once in each year, and between such periods therein as the common council may from time to time fix and appoint, jointly appraise all the real and personal estate in all three of said districts, and shall together make out and sign the assessment rolls of all the taxable persons and property in said three districts, making a separate roll for each district in the manner already provided for by law.

Collectors of
taxes.

Sec. 20. The said mayor, recorder and aldermen are hereby authorized to appoint one or more collectors, as they may deem necessary, and for such period as they shall see fit, whose duty it shall be to collect the city and school taxes, and the state and county taxes in said several districts, and account for the same as already provided. Such collector or collectors shall be required to give bonds in such manner, and be entitled to such compensation as is or may be prescribed by law for township officers doing similar duties: *Provided*, That for the collection of city and school tax, such officers shall be entitled to take and receive only such compensation as may be fixed and allowed therefor by the mayor, recorder and aldermen of the city of Detroit.

Sec. 21. The assessment so made as above provided, shall be taken and adopted as the regular assessment for the county and state taxes throughout the three said several districts above described.

Act amended

Sec. 22. Section two of an act entitled an act to amend an act entitled "an act relative to the city of Detroit," approved June 29, 1832, and an act entitled "an act to amend the charter of the city of Detroit," approved 23d February, 1846, and all other acts or parts of acts constituting the charter of the city of Detroit, which may in any manner be inconsistent with the provisions of this act, are hereby repealed.

Act amended

Sec. 23. The fourteenth section of an act entitled "an act to amend the charter of the city of Detroit," approved April 13, 1841, is hereby amended by striking out the clause commencing in the ninth line with the word "higher," and ending with the word "building," in the eleventh line, so that said section as amended shall read as follows: "Sec 14. The common council of said city shall have full power and authority to pass such by-laws and ordinances for the prevention and extinguishment of fires in said city, as may be proper and requisite for the

public good ; and the said common council shall have full power and authority to prohibit and forbid any person or persons to erect or cause to be erected within such parts, streets or districts of said city, as the public safety may require, any wooden or frame house, store, shop or other building. And the said common council shall have full power and authority to pass such by-laws and ordinances as may be proper and necessary in the premises, and also in regard to the regulation and construction of partition walls, and the construction and location of blacksmith shops and bakeries in said city."

Sec. 24. At every ward election, after the annual charter election for the year eighteen hundred and forty-nine, the ward inspectors shall consist of the two aldermen of their respective wards who shall be duly sworn to a faithful performance of their duties ; and if, from any cause, either or both of the said aldermen shall fail to attend any such election, his or their places may be supplied for the time being by the electors present, who shall elect any of their number viva voce.

Ward insp'tr

Approved February 22, 1848.

No. 46.

AN ACT to amend an act entitled an act to incorporate the Detroit River Sectional Floating Dock, Dry Dock and Marine Railway Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of an act to incorporate the Detroit River Sectional Floating Dock, Dry Dock and Marine Railway Company, approved March 17, 1847, be and the same is hereby amended by striking out the word "fifty," in the first line of said section, as printed, and inserting in lieu thereof the word "forty;" and also by striking out the word "five," in the third line of said section, and inserting the word "two."

Act amend'd

Sec. 2. That for the purposes of carrying out the objects contemplated in the act to which this is amendatory, said company may at any time within one year from the passage of this act, proceed in all respects, as though the said company had organized under said act.

May proceed as before.

Sec. 3. This act shall take effect, and be in force from and after its passage.

Approved February 24, 1848.

No. 47.

AN ACT to authorize the Supervisors of the county of Genesee to build a free bridge across Flint river, at the village of Flint.

Supervisor
of Genesee
authorized
to build free
bridge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisors of the county of Genesee be, and they are hereby authorized to build a free bridge across Flint river, in the village of Flint in said county: *Provided*, the same shall be so constructed as not unnecessarily to obstruct the navigation of said river.

5000 acres
appropriated
for that pur-
pose.
Duties of su-
pervisors.

Sec. 2. That five thousand acres of internal improvement lands upon the lower peninsula be, and the same are hereby appropriated for the purpose of building said bridge; the said supervisors may select said land and report their selections to the commissioner of the land office, who shall reserve them for the purposes above stated, and shall issue certificates therefor, in quantities not less than eighty acres, after the said bridge shall have been completed: *Provided*, it is finished within two years from the passage of this act, the certificates not to be issued until the sheriff of the county of Genesee shall certify to the commissioner of the land office that said bridge is completed, and the amount of the certificates shall not exceed the above appropriation at one dollar and twenty-five cents per acre; *and provided further*, that all expenses incurred in the selection of said lands, shall be paid by the county of Genesee.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1848.

 No. 48.

AN ACT to alter the times of the annual charter election of the city of Monroe.

Monroe
charter elec-
tion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the annual charter election of the city of Monroe shall hereafter be held on the first Monday of April in each year instead of the first Monday of March as now provided by law.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1848.

No. 49.

AN ACT to provide for the improvement of the Clinton river, in the county of Macomb.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That two thousand five hundred acres of internal improvement land be, and the same are hereby appropriated for the purpose of constructing a towing path on the bank of the Clinton river (where the same may be necessary,) in the townships of Clinton and Harrison, in the county of Macomb, from the village of Mount Clemens to the mouth of said river, and for the purpose of removing obstructions in the bed of said river from the village of Mt. Clemens aforesaid to the mouth thereof. 25,000 acres appropriated for improvement of Clinton river.

Sec. 2. For the purpose of carrying this act into effect, Porter Kibbee is hereby appointed a special commissioner to make a selection of the lands hereinbefore appropriated, and to report such selection to the commissioner of the State land office, who shall thereupon reserve the same from sale, issuing no certificates for any tract or parcel thereof except upon the order of said special commissioner: *Provided,* That no such selection shall be made in any one parcel of less than eighty acres: *Provided,* That the said special commissioner shall first take and subscribe the constitutional oath of office, and shall file a bond with sureties to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner. Porter Kibbee appointed special com'r.

Sec. 3. The said special commissioner shall, in virtue of his appointment, have the control and management of the several improvements specified in this act, and shall have power to let out by contract the constructing of said towing path, or the removing of said obstructions or any portion thereof, to the lowest bidder, who shall execute and deliver to the said commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the contract: *Provided,* That before such letting, the said commissioner shall advertise for proposals for constructing said towing path or removing said obstructions, both or any part of said work, describing the same; such advertisement to be published four successive weeks in a newspaper published at Mount Clemens. Duties of com'r.

Sec. 4. Whenever any contractor under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said Contractors, how paid, &c

special commissioner, or any services shall have been rendered under the provision of this act, it shall be the duty of said special commissioner to pay said contractor, according to the terms of such contract, or for any such services, by his order drawn on the commissioner of the State land office, which order shall be received at the land office in payment for any lands selected and reserved from sale by the second section of this act: *Provided*, That nothing herein contained shall authorize the commissioner of the State land office to sell any of said lands at a less price than that now established by law for the sale of the internal improvement lands, or a less quantity in any one certificate of sale than the usual legal subdivisions of said lands.

Powers of
com'r.

Sec. 5. For the purpose of constructing said towing path, said commissioner shall possess the power now conferred by law upon the highway commissioners of the townships through which said towing path shall be constructed, and for settling and adjusting all claims for damages by persons interested in the lands through which said towing path shall be constructed, he may apply to a justice of the peace of the proper township or an adjoining township, for the appointment of three disinterested appraisers, and the same proceedings shall be thereupon had, in all respects, as are now provided by law for the settlement of like cases by highway commissioners.

Compe satn
of com'r; his
acc't to be
rendered to
aud general,
verified, &c.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriations made by this act, with all the diligence and despatch compatible with proper economy and the best interest of the State, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable pro rata from the said appropriations, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath, and the Auditor General shall draw his warrant for the amount of such account against the internal improvement lands, which warrant shall be receivable at the State land office as drawn against the appropriation made by this act: *Provided*, That nothing shall be paid to said commissioner for selecting the lands hereby appropriated: *Provided further*, That the special commissioner shall not draw orders including the amount charged for his services under this act, exceeding the amount hereby appropriated.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved February 28, 1848.

No. 50.

AN ACT to authorize Henry C. Smith, Henry Hall and George Miller to construct a free bridge across Grand river.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry C. Smith, Henry Hall and George Miller, of the township of Plainfield, in the county of Kent, be and they are hereby authorized to construct a free bridge across Grand river, above and near the mouth of Rouge river, in said township: *Provided*, said bridge shall be so constructed as not to unnecessarily obstruct the navigation of said river. Authorized to build dam.

Sec. 2. The legislature may at any time hereafter, alter, amend or repeal this act by a vote of two-thirds of the members of each House.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 28, 1848.

No. 51.

AN ACT to amend section six, chapter twenty-five, and section nine, chapter twenty-two, and section sixteen of chapter twenty-four, of the Revised Statutes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section six of chapter twenty-five of the Revised Statutes, approved May 18, 1846, be amended by striking out of said section all after the word claimant, in the fourth line thereof: *Provided*, the damages thus allowed to any one individual shall not exceed twenty-five dollars, and that the aggregate amount of damages thus allowed shall not exceed two hundred dollars, upon any one road." Revised statutes amended.

Sec. 2. That section nine of chapter twenty-two of the Revised Statutes be, and it is hereby amended by striking out of said section the word "and," where it occurs between the words "commutations and delinquencies," in the last line of said section, and inserting after the word "delinquencies," in the same line, "or non-resident highway taxes within such district." Ibid.

Sec. 3. That section sixteen of chapter twenty-four be amended by inserting in the seventh line, after the word "ways," the words "for the payment of ploughs and scrapers, if any have been purchased, and."

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 1, 1848.

No. 52.

AN ACT to amend an act relative to the amount due the University fund from the county of Lenawee, approved March 15, 1845.

Act amended

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act relative to the amount due the University fund from the county of Lenawee, approved March 15, 1847, be, and the same is hereby amended by striking out the word "September," in the fifth line of the first section, and inserting the word "March;" and, also, by inserting in the eleventh line of said section, before the word "supervisors," the words "chairman of the board of," so that said section shall read as follows :

Section as amended.

"Sec. 1. That the time for the payment of the sum of thirteen thousand dollars due from the county of Lenawee to the University fund of this State, be, and the same is hereby extended so that the same shall be payable in six equal annual instalments, as near as may be, from the first day of March inst., with interest annually on the whole sum unpaid : *Provided*, that the interest due upon such principal sum be first paid, and new bonds be given for the payment of the said principal sum and annual interest as above provided. And the commissioner of the State land office is hereby instructed to receive new bonds for such payment, to be given by the chairman of the board of supervisors of the county of Lenawee, in the usual form, and on the receipt of such new bonds, to deliver up the bonds heretofore given for the payment of the said principal sum by the board of commissioners or supervisors of said county of Lenawee."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1848.

No. 53.

AN ACT to provide for holding special elections in case of vacancy in the office of county judge and second judge of the county courts.

Section 1. *Be it enacted by the Senate and House of Representa-*

tives of the State of Michigan, That it shall be lawful for the electors of any county in this State to hold a special election therein on the first Monday of April in any year, for the purpose of filling any vacancy in either of the offices of county judge or second judge of the county court of such county. And such election may be held when the county clerk shall at least twenty days before the annual township meeting, give notice to the township clerks of the several townships of the said county, that elections will be held to fill such vacancy, any law to the contrary notwithstanding. Special election authorized for co. judges.

Sec. 2. The votes cast at such election shall be canvassed, the result certified and determined in the manner, and under the restrictions and regulations provided by existing laws for holding special elections. Canvass of votes.

Sec. 3. This act shall take effect from and after its passage.

Approved March 3, 1848.

No. 54.

AN ACT to amend an act entitled an act to incorporate the St. Mary's Canal Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an act entitled the act to incorporate the St. Mary's Canal Company, approved March 17, 1847, is hereby amended by striking out the words "for the period of fifty years," in the ninth and tenth lines of said section. Act amended

Sec. 2. That section six of said act be amended by striking out the word "eight," in the third line of said section, and inserting "nine."

Sec. 3. That section twelve of said act be amended by striking out the word "ten," and inserting "fifteen," in the ninth line thereof.

Sec. 4. That section thirteen of said act be amended by striking out the words "two" and "five," and inserting "three" and "six," in the second and third lines thereof.

Sec. 5. That section seventeen of said act be entirely stricken out.

Sec. 6. That section nineteen of said act be so amended as to read as follows: "Said company shall pay or cause to be paid to the State Treasurer, on or before the first day of December in each year, a tax of one per centum on the capital stock paid in, and all loans ob- Section as amended

tained for the purpose of constructing said works, which shall be in lieu of all other taxes.

Right to re-
peal or am'd
reserved to
the state.

Sec. 7. The State reserves the right, at the expiration of fifty years to alter, amend or repeal this act, or of the act to which this is amendatory, and at any time for any violation of the provisions of this act, or the act to which this is amendatory, by a vote of two-thirds of each branch of the Legislature.

Sec. 8. This act shall take effect and become a law from and after its passage.

Approved March 4, 1848.

No. 55.

AN ACT to authorize the collection of certain taxes in the township of Flint, Genesee County.

Supervisor
of Flint to re-
new tax war-
rant.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That upon the dissolution of an injunction heretofore issued from the circuit court in chancery, against the treasurer of the township of Flint, in the county of Genesee, prohibiting him from the collection of certain taxes for the year eighteen hundred and forty-seven, the supervisor of said township shall be authorized to renew the warrant upon the original assessment roll of eighteen hundred and forty-seven, with the warrant attached, and the same shall be in full force and effect for the period of thirty days from and after such renewal.

Powers and
duties of
treasurer.

Sec. 2. On the receipt of said assessment roll with the warrant renewed as aforesaid, the township treasurer shall have the same authority to collect the taxes aforesaid, and it shall be his duty to collect and account for the same, in the same manner, and with the like powers, as he might have done during the original life time of said warrant, had not said injunction been served upon him, and all laws applicable to the collection of taxes shall apply to and govern his proceedings therein, during the said period of thirty days, and until he has accounted for the money so collected.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1848.

No. 56.

AN ACT for the repeal of the levying and collecting of the annual tax, for the support of the volunteer militia of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all of sections one, two, three, four, five, six and seven, of chapter fourteen of the act approved May 18th, 1846, which provides for the levying and collecting of the annual tax for the support of the volunteer militia of this State, be, and the same is hereby repealed. Sections repealed.

Sec. 2. So much of the moneys collected and returned into the county treasury by virtue of section two of the act hereby repealed, as belongs by virtue of said act to the first battalion of Frontier Guards of Wayne ; the second battalion of National Guards, of Livingston, and the first battalion of National Guards, of Lenawee, shall upon application of the paymasters of said battalions be paid over to such paymasters, by the county treasurers of the several counties in which said battalions are situated, upon such paymasters making application therefor, and executing and delivering to said county treasurers a good and sufficient bond, conditioned for the faithful application according to said act, of all moneys that may come into their hands by virtue of their office : *Provided*, said paymaster shall have no power to draw any money from any county where there is no company or part of a company organized within said county. Tax now collected to be paid to certain battalions

Sec. 3. That all independent volunteer companies who are fully uniformed and equipped, and have done duty in conformity to the provisions of the act hereby repealed, but who are not attached to any organized battalion, shall be entitled to the same benefits and privileges as is by virtue of this act extended to the independent companies composing battalions, upon the clerks of said companies complying with the conditions and requirements as is specified in section two of this act, in regard to paymasters of battalions : *Provided*, that no moneys shall be drawn by the clerk of any such independent volunteer company from any township, city or village, other than those who may be within the boundaries of said companies or some part thereof. Certain volunteer companies entitled to share of tax.

Sec. 4. All of the moneys collected by virtue of sections one and two of the act hereby repealed, and paid into the several county treasuries, shall be paid over to the several county treasurers, who shall pay the same to the several county inspectors of the militia, for the use of the militia. Residue of tax to be paid to each inspector.

surers, or still remaining in the hands of any collector, (except as otherwise provided in sections two and three of this act,) shall be paid over by the several county and township treasurers, upon application therefor to the chairman of the board of school inspectors of the several townships of this State in which said moneys were collected, to be by him applied for the support of common schools in the several districts in his township in proportion to the scholars between the ages of four and eighteen in said districts.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 6, 1848.

No. 57.

AN ACT directing the publication of a statement of lands to be sold in Clinton and Ingham Counties in 1848.

Publication
of tax sales
of 1848 in
Ingham and
Clinton co's.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Auditor General shall cause the statement of the land to be sold in the counties of Clinton and Ingham for taxes in October, eighteen hundred and forty-eight, to be published in the state paper, which statement shall be published in the same manner, for the same time, and to the same effect, as like statements required by law to be published in other cases.

Sec. 2. All laws contravening the provisions of this act are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1848.

No. 58.

AN ACT to amend chapter one hundred and forty-two of the Revised Statutes, entitled "of the relief of insolvent debtors on the application of an insolvent and his creditors.

Revised statutes amend'd
Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter one hundred and forty-two of the Revised Statutes of Michigan, of 1846, entitled "of the re-

lief of insolvent debtors on the application of an insolvent and his creditors," be, and the same is hereby amended by adding thereto, to stand as section thirty-one, the following :

Sec. 31. The oath of any petitioning creditor residing out of this State may be administered by any judge of a court of record, in the State or territory where such creditor resides.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1848.

No. 59.

AN ACT to authorize Joel Andrews, of the county of Ionia to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Joel Andrews, a minor, of the county of Ionia, in the state of Michigan, be and he is hereby authorized and empowered to sell and convey the following described parcel of land, viz : the south west quarter of the south west quarter of number thirteen, in township number seven north of range number eight west, according to the United States survey, in as sufficient and ample a manner as if the said Joel Andrews were of full age : *Provided*, That no such conveyance shall be of any effect unless the judge of probate of said county of Ionia shall under his hand and the seal of his office, certify upon the back of said conveyance his approval of the same.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1848.

No. 60.

AN ACT to organize certain townships, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That town number six north, of range number nine west, in the county of Kent, be, and the same is hereby set off from the township of Vergennes, and organized into a separate Township of Vergennes organized.

LAWS OF MICHIGAN.

township, by the name of Lowell, and the first township meeting therein shall be held at the house of D. A. Marvin, in said township.

Wyoming. Sec. 2. That town number six north, of range twelve west, in the county of Kent, be, and the same is hereby set off from the township of Byron, and organized into a separate township by the name of Wyoming, and the first township meeting therein shall be held at the house of Dwight Rankin, in said township.

Leighton. Sec. 3. That number four north, of range eleven west, in the county of Allegan, be, and the same is hereby set off from the township of Wayland, and organized into a separate township by the name of Leighton, and the first township meeting therein shall be held at the Green Lake House, in said township.

Chimes. Sec. 4. That town number five north, of range number eleven west, in the county of Kent, be, and the same is hereby set off from the township of Paris, and organized into a separate township by the name of Gaines, and the first township meeting therein shall be held at the school house in school district number four, in said township.

Chester. Sec. 5. That town number nine north, of range number thirteen west, in the county of Ottawa, be, and the same is hereby set off from the township of Wright, and organized into a separate township by the name of Chester, and the first township meeting therein, shall be held at the house of John S. McLain, in said township.

Holland attached to Ottawa. Sec. 6. That town number five north, of ranges fourteen, fifteen and sixteen west, known as the township of Holland, be, and the same is hereby attached to and made a part of the township of Ottawa, for the period of one year from the passage of this act.

Barry changed to Gates. Sec. 7. That the name of the township of Yankee Springs, in the county of Barry, shall be, and the same is hereby changed to Gates.

Towns attached to Du Plain. Sec. 8. That towns number nine and ten north, of range number one west, in the county of Gratiot, be, and the same are hereby attached to and made part of the township of Du Plain, in the county of Clinton, and that town number ten north, of range three west, in the county of Gratiot, be, and the same is hereby attached to and made part of the township of Essex, in the county of Clinton.

Bridgeport. Sec. 9. That towns number ten and eleven north, of range number five east, that are not now included in the township of Taymouth; also, all of town number ten and eleven north, of range six east, in the

county of Saginaw, be, and the same is hereby set off from the township of Saginaw, and organized into a separate township, by the name of Bridgeport, and the first township meeting therein, shall be held at the house of Noah Beach.

Sec. 10. That towns number nine north, of ranges number thirteen, Worth, fourteen, fifteen, sixteen and seventeen east, in the county of St. Clair, be, and the same is hereby set off from the township of Lexington, and organized into a separate township by the name of Worth, and the first township meeting therein shall be held at the school house, near the dwelling house of John Galbraith, in said township.

Sec. 11. That all that part of the county of Sanilac, north of town number ten north, of ranges thirteen, fourteen, fifteen and sixteen Sanilac. east, be, and the same is hereby set off from the township of Lexington, and organized into a separate township by the name of Sanilac, and the first township meeting therein shall be held at the house of Jacob Sharp, in said township.

Sec. 12. That the name of the township of Wabacis, in the county of Kent, be, and the same is hereby changed to Courtland; and that Wabacis changed to Courtland. township number ten north, of range ten west, and township number ten north, of range nine west, be, and the same is hereby attached to said township.

Sec. 13. That all that portion of town number eight north, of range ten west, lying south of Grand River, be, and the same is hereby set off from the township of Grand Rapids, in the county of Kent, and attached to the township of Plainfield, in said county. Towns attached to Plainfield.

Sec. 14. All that part of town number six north, of range number ten west, laying south of Grand River, in the county of Kent, be, and the same is hereby set off from the township of Ada, and organized into a separate township by the name of Cascade, and the first township meeting therein shall be held at the house of William S. Gunn, in said township. Cascade.

Sec. 15. That towns number eleven and twelve north, of ranges sixteen, seventeen and eighteen west, in the county of Oceana, be, and the same are hereby set off from the township of Muskegon and organized into a separate township by the name of White River, and the first township meeting shall be held at the house of Charles Mears in said township. White River

Rowland
changed to
Ransom.

Sec. 16. That the name of the township of Rowland, in the county of Hillsdale, be and the same is hereby changed to that of Ransom, and by that name it shall hereafter be designated and known.

Hamtramck
divided.

Sec. 17. That so much of the township of Hamtramck, in the county of Wayne, laying east of a line commencing at a point on the Detroit river, where the easterly line of private land claim number three hundred and eighty-five touches said river, thence following said easterly line, north-westerly to Conner's Creek, thence up said Creek to the south line of section number ten, in town number one south, of range twelve east; thence east to the south-east corner of said section ten; thence north on the said section line to the north line of said

Grosse Point
organized.

county of Wayne, shall be, and the same is hereby set off from the said township of Hamtramck, and organized into a separate township, by the name of Grosse Point; and the first township meeting therein shall be held at the house of Henry Hudson, on Lake St. Clair, in said township.

Next town-
ship meeting
in Ham-
tramck.

Sec. 18. That the next township meeting in the township of Hamtramck shall be held at the house of Joseph Fisher, on the Fort Gratiot road, in said township.

Sec. 19. This act shall take effect and be in force from and after the first day of April next.

Approved March 9, 1848.

No. 61.

AN ACT to amend an act to authorize the sale of certain lands on the Macon Reserve.

Act amend'd

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled an act to authorize the sale of certain lands on the Macon Reserve, approved March 19, 1845, be and the same is hereby amended by striking out the first and second sections of said act, and inserting in lieu thereof the following :

Rector of St.
Anne may
sell certain
property.

Sec. 2. That the said Rector of the said church shall be and he is hereby authorized and empowered to grant, bargain and sell for the use of the said church of St. Anne said land in said patent described in such parcels, at such time, for such prices, and in such manner, and on such

terms of credit as he shall deem best for the interest of said church, and thereupon may execute to the purchaser or purchasers, good and valid deeds of conveyance of said lands in fee simple.

Sec. 3. The proceeds of any such sale shall be by the said Rector invested in such kind of stocks or securities as he may think proper, for any term not exceeding four years at a time, at a rate of interest not less than six per cent., which shall constitute a fund for the use and benefit of said church of St. Anne : *Provided nevertheless*, That the proceeds of any of said lands may be applied in payment of any debts of said corporation. Rector shall invest proceeds.

Sec. 4. The trustees of said church may at any time call said Rector to an account for the proceeds of any such sales, and may require of him such security as they shall deem necessary for the faithful accounting for and application of any such monies. Shall acct&c

Approved March 13, 1848.

No. 62.

AN ACT relative to Plank Roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all corporations hereafter created for the purpose of constructing plank roads, shall be subject to the provisions hereinafter contained. All plank road companies subject to this act.

Sec. 2. All acts incorporating companies for the purpose aforesaid, shall contain the names of not less than three persons, as commissioners, to receive subscriptions to the capital stock of said corporation, and shall specify the point or place from which, and to which said road is to be constructed, the capital stock of such company, and the number of shares into which the stock is to be divided, and the duration of such corporation. To specify certain particulars.

Sec. 3. All such corporations shall be deemed persons in law, and as such capable of suing and being sued in all courts, and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons, by gift, grant or otherwise, and holding any land, tenements and hereditaments necessary to be used in the construction, repair and preservation of any such road, and may establish by-laws and regulations necessary for the con- Powers of plank road companies.

struction, preservation and repair of any such roads, and the erection of toll gates and houses thereon ; and may by such by-laws prescribe the manner of calling and conducting the meetings of the stockholders in any such road ; the number of shares of stock that shall entitle a stockholder to one or more votes ; the mode of voting by proxy ; the mode of selling shares of stock for the non-payment of assessments ; the mode in which shares may become forfeited to such company ; and may prescribe penalties for violations of such by-laws, which penalties shall not exceed twenty dollars for any offence.

Duties of
com'rs in o-
pening bo'ks

Sec. 4. Within six months after the passage of an act incorporating any such company, the commissioners named therein shall proceed to estimate the length of the proposed road, and cause books to be opened for the subscription of stock in any such company, at such times and places as they may see fit, first giving at least thirty days notice thereof, which said notice shall be published in some public newspaper printed in some county in which or through which some part of the proposed road is to be constructed ; and if there is no such paper, then such notice shall be published in some daily paper in the city of Detroit, and in such other papers as such commissioners may designate ; and the said commissioners, or a majority of them, shall attend at such times and places for the purpose of receiving such subscriptions.

When com'r
shall call first
meeting.

Sec. 5. Whenever according to the length of the road as estimated by the commissioners, three hundred dollars per mile of the capital stock of any such company shall have been subscribed, the commissioners shall proceed to call a meeting of the stockholders in any such company, by giving notice of such meeting by publishing such call in some newspaper published in one of the counties in or through which the proposed road is to be constructed ; if there is no paper published in any such counties, said notice may be published in a daily paper in the city of Detroit, and in any other paper in the state that said commissioners may select ; such notice shall be signed by such commissioners, or by a majority of them, and shall specify the time and place at which said meeting will be held, and shall be published at least two weeks consecutively, next preceding the day of such meeting.

What offic'rs
to be chosen.

Sec. 6. At the meeting so called, the stockholders present shall elect not less than three, nor more than five directors, each share of the capital stock being entitled to one vote, who shall hold their office for one year

from and after such election, and until their successors are elected ; a majority of said directors shall constitute a quorum for the transaction of business, and shall proceed forthwith to elect from their own number, a president, treasurer and secretary, who shall respectively hold their offices for one year, and until their successors are elected.

Sec. 7. The business and property of such companies shall be managed and conducted by their respective boards of directors. The directors of all such companies after the first year, shall be elected at such time and place, and upon such notice, and in such manner as shall be directed by the by-laws of any such company ; and whenever a vacancy shall occur in any such board of directors, such vacancy shall be filled for the remainder of the year, by an election to be made by the remaining directors ; no person shall be a director unless he is a stockholder in the company.

Powers of directors—how chosen thereafter.

Sec. 8. The board of directors of any such company may require payment of the sums subscribed to the capital stock, at such time, and in such manner and proportions, and on such conditions as they shall see fit, under a penalty of stock, and all payments made thereon, and they shall give notice of the payments thus required, and of the place and time, when and where the same are to be made, at least thirty days previous to the day on which such payments are required to be made, in one newspaper printed in each county in or through which their road is located, and by sending by mail such notice to each stockholder from whom a payment is required, directed to him at his usual place of abode.

Notice of payment to be given.

Sec. 9. On or before the first Tuesday of January in each year, it shall be the duty of the board of directors of any such company to make a report to the Secretary of State, verified by the oath of any two of such directors, setting forth the cost of their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and how much paid in, and how much expended, the whole amount of toll or earnings expended on such road, the amount received during the year for tolls, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart for a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued.

Directors to make annual report.

Sec. 10. Within thirty days after the election of the first board of

Office of co.,
how designa-
ted.

directors of any such road, the said directors shall designate some place within a county in which such road or some part thereof is to be constructed, as the office of such company, and shall give notice thereof, by publishing the same in a public newspaper published in such county, which publication shall be continued once in each week for three successive weeks, or said notice may be given by filing the same in the office of the county clerk of every county in which any part of such road is constructed, or is to be constructed, and if the place of such office shall be changed, like notice shall be published or filed before such change shall take place, in which notice the time of making the change shall be specified; and every notice, writ, summons, declaration or other process, required by law to be served on such company, may be served by leaving the same at such office with any officer of such company, at any time between nine o'clock, A. M. and noon, and between two and five o'clock in the afternoon, of any day except Sunday.

Service of
writs, &c. on
company.

Inhabitants
of this state
to have lien
of \$100.

Sec. 11. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said plank road companies, for all claims and demands not exceeding one hundred dollars, against any of said companies, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such companies.

Directors
shall cause
survey, &c.
to be recor-
ded.

Sec. 12. The board of directors of such company, after the same shall become organized as required by the provisions of this act, shall proceed to cause an accurate survey and description to be made of the route of their road, and of the land necessary to be taken by said company for the construction of such road and the necessary buildings and gates; they shall subscribe such survey and acknowledge its execution, as the execution of deeds is required to be acknowledged, in order that they may be recorded, and they shall cause such survey to be recorded in the register's office of each county through which their road may pass.

Powers of
directors in
construction
of road.

Sec. 13. The route so laid out and surveyed by the said board of directors of such company, shall be the route of such road, and for the purpose of obtaining possession of such route, for the use of said company, the said board of directors shall be clothed with all the powers of commissioners of highways of townships are now required to do in lay-

ing out public highways: *Provided*, that if no agreement for the purchase of the lands so taken, with the owner of the same, can be made by the said board of directors: *And further provided*, That if any lands included in the route of said road shall be owned by an infant, idiot or insane person, having no parent or guardian, or by a non-resident of the state, then and in such case, an application being made by the said board of directors to the judge of probate of the county in which said lands are situated, the said judge of probate shall appoint some competent and suitable person, having no interest adverse to such owner, to take care of the interest of such owner in respect to the proceedings, to lay out and take possession of such route, and the proceedings for settling damages for the land taken for the route of said road, in case no agreement is made therefor, shall be in conformity to the provisions applicable thereunto in chapter twenty-five of the revised statutes, and such company shall pay costs, when by the provisions of said chapter the township would be liable for the same.

Sec. 14. Whenever any plank road company may wish to use any part of a public highway or street, for the construction of their plank road over the same, such company shall apply to the supervisor and commissioners of highways of the township, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, in which said highway or street is situated, for the purchase or release of the same, and it shall be the duty of such supervisor and commissioners or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, to examine at the expense of such company, so much of any such highway or street as may be wanted as aforesaid by such company, and if in the opinion of a majority of such supervisor and commissioners, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, the public interest would not be prejudiced by granting the application of such company, said supervisor and commissioners, or a majority of them, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, may in writing, signed by them, grant to such company a right to enter upon, take and use such highway or street for the purpose of the construction, maintenance and use of a plank road thereon, under the provi-

When and how highways is to be reserved.

sions of the charter of such company, and upon filing such grant in the office of the township clerk of such township, the said company may at once enter upon, take and use such highway or street for all the purposes aforesaid: *Provided*, That nothing herein contained shall prejudice any legal claim for private damages of any person on the line of such public highway or street, by reason of the granting the said highway or street to the use of any such company: *And provided further*, That the amount received by said supervisors and commissioners for granting any such highway to any such company, shall be by them expended in improving the highways or in purchasing the right of way for highways in such township.

Ibid.

Sec. 15. Whenever any portion of any public highway shall be granted to the use of a plank road company, as aforesaid, any person who shall claim damages by reason of the granting such highway, to such use, as aforesaid, may have such damages appraised within the same time and in like manner as is prescribed by law for the appraisal of damages, on the altering and laying out of public highways: *Provided*, That the same notice shall be given to one of the board of directors, as is required to be given to the highway commissioners; and if any damages be awarded or appraised, the person in whose favor the same is awarded, may bring an action of assumpsit for the recovery of the same against the company, and if in any such action the court shall be of opinion that such person had any legal ground to claim damages against such company, such person shall be then entitled to a judgment for the amount of damages so awarded and legal costs of suit.

Width of
road, grade,
and other de-
scription.

Sec. 16. Every plank road made, shall be laid out at least two, and not more than four rods wide, and shall be so constructed as to have at least sixteen feet width of good, smooth and permanent road, eight feet of which, at least, shall be made of plank not less than three inches thick, and of such grade as not to exceed an ascent or descent on any part of said road, of more than one foot in ten feet, and which roadway shall be constructed so as to permit carriages and other vehicles conveniently and easily to pass each other, and also as to permit carriages readily and easily to pass on and off where such road is intersected by other roads; and no obstruction shall be suffered unnecessarily to remain upon such plank road at any such intersection.

Sec. 17. Whenever any such company shall have completed their road, or any five consecutive miles thereof, the directors thereof may erect toll gates and exact tolls from persons traveling on their road, for so much as may be completed, at a rate not exceeding two cents per mile, for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn, and if drawn by more than two animals, three quarters of a cent per mile for every additional animal; for every vehicle, sled, sleigh or carriage, drawn by one animal, one cent a mile; for every score of sheep or swine, half a cent a mile; for every score of neat cattle, two cents a mile; and for every horse and rider or led horse, one cent a mile; such toll gates, so to be erected by such company, may be as many in number, and located at such points as such company may deem necessary: *Provided, however,* That any person using such road, may, upon the payment of the requisite amount of toll, demand and receive at any gate a ticket or other evidence that he has paid the toll for the use of the whole or a part of said road, which ticket may be shown by him at each gate through which it may entitle him to pass, and shall be surrendered by him to the toll gatherer through whose gate he is last entitled to pass: *Provided,* That if any person shall forcibly and illegally pass any of the gates provided by this act, he shall forfeit and pay to the said company, a sum not exceeding twenty-five dollars for each and every such offence, to be recovered for the benefit of said company, before any justice of the peace of the county in which such gate is situated: *And provided,* That no farmer shall be required to pay any toll for the use of said road by himself or persons in his employ, engaged in the business of the farm, in passing from one part of the farm to another, with his team or other stock.

When and where gates may be erected.

Rates of toll.

Farmers exempt from toll in certain cases.

Sec. 18. Each and every plank road company shall pay to the treasurer of the State of Michigan an annual tax, at the rate of one per cent. on the whole amount of capital paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of such company, and said state tax shall be in lieu of all other taxes upon all the property of said company.

State tax.

Sec. 19. Every plank road company shall cease to be a body corpo-

When road
to be com-
menced.

rate, if within two years from and after the passage of the act incorporating them, they shall not have commenced construction of their road, and actually expended thereon at least ten per cent. of the capital stock of such company.

Shall com-
plete within
10 years.

Sec. 20. If within ten years from and after the passage of the act incorporating them, such road shall not be completed according to the provisions of this act, by any company, then such company shall forfeit all rights to so much of said road as shall not be completed in a continuous line.

Exemption
of toll.

Sec. 21. Persons going to and returning from military parades, which by law they are required to attend, and persons going to and returning from funerals, shall be exempt from the payment of any toll to any plank road company for such use of their road.

Further sub-
scription.

Sec. 22. If the entire capital stock of any such company shall not be subscribed at the time first provided for by this act, it shall be lawful for the board of directors of any such company, at any time, to open the books for the further subscription of the capital stock, first giving the notice required in the 4th section of this act.

Duties of di-
rectors, &c.

Sec. 23. The board of directors of any such company shall have at all times, after the erection of any toll gate or gates upon any plank road, and the exaction of toll thereat, keep such portions of the road in good repairs, and in case of any dilapidation of the superstruction, or the breaking or removal of any plank or other portion of the surface of said road, as to endanger the safe passage of any team, animals or vehicles, it shall be the duty of said board of directors, without unnecessary delay, to make such repairs as shall restore said road to its proper condition; and in case said board of directors shall fail to comply with the provisions of this section, they shall for every such neglect or refusal, be liable to a forfeiture of ten dollars, to be recovered in action of debt, by any person aggrieved or injured: *Provided*, That in all cases, one of said board of directors shall first have been notified of any such defect, and the necessary time for its repairs shall have fully elapsed after such notice, and before the commencement of any such suit.

Sec. 24. This act shall take effect and be in force from and after its passage.

Approved March 13, 1848.

No. 63.

AN ACT to provide for the laying out and establishing a certain state road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles H. Dewey, S. Callender and Simon D. Barden, be and they are hereby authorized and empowered to lay out and establish a state road from the village of Ceresco, in Marshall, through the town of Convis, to intersect the state road leading from Battle Creek to Bellevue, on the most feasible and eligible route, and file the survey of so much of said road, in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township, and it shall be the duty of each township clerk to record the same in the road book of the township. Com'rs to lay out road.

Sec. 2. That in laying out and working said road, the state shall not be liable for any damages, and the commissioners of highways in each township through which the same passes, shall district the same and cause it to be worked as other highways in such township. State not liable.

Sec. 3. The state shall not be liable for any expenses incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding section of this act shall not be laid out in one year from the passage of this act, the provisions herein contained shall be void. Ib.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 14, 1848.

No. 64.

AN ACT relative to specific State taxes on plank road, mining, and other corporations, not enumerated in the revised statutes of 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in all cases, when any incorporated company hereafter to be incorporated, is made subject to the payment of a specific state tax, this state shall have a lien on all of the property of said company, to secure the payment of said tax, which lien shall take precedence of all other liens or incumbrances whatever. State to have lien in cert'n cases.

Sec. 2. The payment of any such tax may and shall be enforced Tax may be enforced.

according to the provisions of sections seven, eight and nine, of chapter twenty-one of title five of the revised statutes of eighteen hundred and forty-six.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 14, 1848.

No. 65.

AN ACT to lay out and establish a certain state road.

Comm'rs to lay out road. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Hartford Cargill, Ephraim Fletcher and George C. Holmes, be and they are hereby authorized and empowered to lay out and establish a public state road from Flint village, in the county of Genesee, through the township of Gaines, thence on the most direct and eligible route to Byron, in the county of Shiawassee, intersecting the state road at that place.

Duties of com'rs and of town cl'ks Sec. 2. The above named commissioners shall file so much of the survey of the above mentioned road in the office of the township clerk of each township through which the above mentioned road shall pass, as shall be laid out in such township, and it shall be the duty of the several township clerks to record the same in their respective township books, and the decision of the said commissioners, in regard to the laying of said road may be appealed from, as in case of the laying out of roads by the highway commissioners of the several townships, and post the notice required by law.

Duties of highway com'rs. Sec. 3. That it shall be the duty of the commissioners of highways in the several townships through which said road may pass, to open and work said road in the same manner, and by virtue of the same law as township roads are required to be opened and worked: *Provided*, That the right of way first be obtained of the owners of real estate on the line of said road.

State not liable. Sec. 4. The state shall not be liable for any expense incurred or damages sustained, by reason of this act, and in case the road mentioned in the preceding sections of this act, shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 14, 1848.

No. 66.

AN ACT to incorporate the Detroit Merchants' Exchange Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James Abbott, Benjamin B. Kercheval, William Brewster, Charles Howard, Z. Chandler, Samuel Lewis, and such other persons as shall become associated with them for the purposes hereinafter expressed, be and they are hereby constituted a body corporate with perpetual succession, under the name of the "Detroit Merchants' Exchange Company."

Corporation created.

Sec. 2. The object of said company being to facilitate and promote trade and commerce, by providing a suitable place for the meeting of persons interested in trade and commerce, and a reading room and library connected therewith, and to promote the convenience and advance the intelligence of the mercantile and commercial classes, said company is authorized to erect in the city of Detroit an edifice, suitable and convenient for the purposes aforesaid, and may acquire, take and hold estate and property, whether real, personal or mixed, not exceeding in amount one hundred thousand dollars.

Its objects & powers.

Sec. 3. The legislature may at any time, by a committee or authorized officer, examine into the transactions and affairs of said company, and for that purpose shall have access to the books and records of said company.

Legislature may examine condition of company.

Sec. 4. Said company shall be subject to all the provisions contained in chapter fifty-five of the revised statutes of Michigan, and shall be subject to be at any time altered, amended or repealed, by the legislature.

And whereas, the Detroit Young Mens' Society may wish to aid in the construction of the building proposed to be erected by said exchange company, with a view to securing in said building, rooms, suitable and convenient for their meetings, lectures, library and reading room.

Sec. 5. That said Detroit Young Mens' Society is authorized to

Detroit Y. M. S. authoriz'd to take stock take stock in said Exchange Company, to an amount not exceeding ten thousand dollars: Provided, that no stock shall be so taken by said Society, unless by authority of a vote of said Society, specially called for that purpose, and the object of the meeting being expressed by the notice.

Fire Depart't similarly au- thorized. Sec. 6. That the Fire Department of the city of Detroit may, and is hereby authorized to subscribe and take stock in said Exchange Company, to an amount not exceeding ten thousand dollars.

Limitation of powers. Sec. 7. Said company shall not use their funds or any part thereof, in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any banks, or in the purchase of any public stock whatever, or for any other purpose than that specified in this act.

Sec. 8. This act shall take effect from and after its passage.

Approved March 14, 1848.

No. 67.

AN ACT to amend title twenty-one, chapter ninety-five of the revised statutes of 1846, and for other purposes.

Revised statutes amend- ed. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any person who has been or shall hereafter be licensed to practice as an attorney and counsellor at law in the supreme court of this State, shall also be entitled to practice as solicitor and counsellor in chancery, in any court in this State.

Eni Sect 2. That section fifty, of chapter ninety-five of the revised statutes shall be so amended as to read as follows:

"Sec. 50. No person who has not been licensed as an attorney and counsellor at law of the circuit or supreme court of this State, shall be eligible to the office of a master in chancery."

Sec. 3. Sections twenty-eight and twenty-nine of said chapter ninety-five, and all other acts and parts inconsistent and in contravention of the provisions of this act, are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 14, 1848.

No. 68.

AN ACT to change the name of the village of Florence, in the county of Shiawassee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of the village of Florence, in the county of Shiawassee, be and the same is hereby changed, and shall hereafter be known as the village of Fremont. Florence changed to Fremont.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1848.

No. 69.

AN ACT to amend chapter twenty-two of the revised statutes of eighteen hundred and forty-six, relative to highways and bridges.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter twenty-two of the revised statutes of eighteen hundred and forty-six shall be amended by adding after section fourteen as follows: "If any overseer of highways shall neglect or refuse to warn the residents in his district, liable to do work on the highways, to do such work, as the law requires and his warrant directs, such overseer shall be liable to pay for all the work not so done or commuted for, at the rate of sixty-two and a half cents per day; and it shall be the duty of the commissioners of highways in each township, to prosecute any overseer who may so neglect or refuse to do his duty, before any justice of the peace or any other court of competent jurisdiction, and collect of him what he may be liable to pay under the provisions of this act, unless such overseer shall show satisfactory cause to such justice of the peace or such court, why he should not pay the same: *Provided*, that in all cases where judgment shall be recovered against any such overseer, under the provisions of this section, such overseer shall not be further liable to an action for the penalty incurred by such neglect or refusal." R. statutes amended.

Approved March 15, 1848.

No. 70.

AN ACT to authorize the Commissioner of the State Land Office to convey to Joseph Miller, John Cannon, D. W. Noyes and Loren Andrews certain lands selected for saline purposes.

Com'r to is-
sue certifi-
cate to Jo-
seph Miller.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office be, and he hereby is authorized to issue to Joseph Miller a certificate of purchase, of and for the north west quarter of section thirty-four in township four north, of range twelve east, the same being a portion of the lands selected by this state for saline purposes, upon receiving from said Miller the minimum price established by law for said land per acre, together with the interest upon said amount from the time said lands were offered in market to the date of the certificate thus to be issued.

To Loren
Andrews.

Sec. 2. The said Commissioner is also hereby authorized to issue to Loren Andrews a certificate of purchase of, and for the south west quarter of section thirty-four aforesaid, upon receiving from said Andrews the minimum price established by law for said land, per acre, together with the interest upon said amount from the time said lands were offered in market to the date of the certificate thus to be issued.

To J Cannon

Sec. 3. The said Commissioner is hereby authorized to issue to John Cannon a certificate of purchase of, and for the south east quarter of section thirty-four aforesaid, upon receiving from said Cannon the minimum price established by law for said land per acre, together with the interest upon said amount from the time said lands were offered in market, to the date of the certificate to be thus issued.

To D. W.
Noyes.

Sec. 4. The said Commissioner is also hereby authorized to issue to David W. Noyes, a certificate of purchase, of and for the north east quarter of section thirty-four aforesaid, upon receiving from said Noyes the minimum price established by law for said land per acre, together with the interest upon said amount from the time said lands were offered in market to the date of the certificate thus to be issued.

When deeds
may be given

Sec. 5. Deeds of conveyance in fee, in the usual form, shall be executed by the proper authorities of this state to the above named grantees, their heirs and assigns, upon the presentation of the certificates hereinbefore required to be issued by the Commissioner of the State Land Office, and thereupon all the agreements, contracts and rights,

whether inchoate or vested, heretofore made, entered into or created and now existing between the said grantees jointly or separately, and any other person or persons, society or corporation, relative to any interest in said lands, or any part thereof, shall have the same force and effect, and be as valid and effectual as if the said grantees, or either of them had been the owners in fee of said lands above described, or any part thereof, at the date of any such agreement or contract, or the accruing of any such right.

Sec. 6. This act shall take effect, and be in force from and after its passage.

Approved March 15, 1848.

No. 71.

AN ACT relative to the village of Pontiac.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act, the common council of the village of Pontiac shall not have or possess any power to lay out, construct, alter or discontinue any street, highway, lane or alley within the said village, nor to make any assessment or levy any tax for constructing or repairing any street, highway, lane or alley, or any bridge, within the said village, but such streets, highways, lanes, alleys and bridges shall hereafter be subject to the control, management and supervision of the proper township officers of the township of Pontiac, in the same manner, and to the same extent, as the other highways and bridges within said township, and the general laws of this state, relating to highways and bridges in the several townships, shall apply to said streets, highways, lanes, alleys and bridges within the said village of Pontiac, and to the territory and property within said village, liable to assessment for other purposes connected with highways and bridges, reserving, however, to said common council, the power to grade said streets, and to assess the expenses thereof upon the lots adjoining said streets.

Restriction of powers of com. council of Pontiac.

Sec. 2. The said common council of the village of Pontiac shall not hereafter have or possess any power to establish any pound or market within said village, nor to levy or to collect any poll tax therein, nor to

lb.

levy or collect any other assessment or tax therein, excepting for such sums only as may be necessary for the following purposes, to-wit: for the payment of debts heretofore lawfully contracted by said common council in their corporate capacity; for maintaining and keeping up an efficient fire department in said village; and for fencing and keeping in proper condition such burial ground or grounds as now do or hereafter may belong to the inhabitants of said village, except as provided in the first section of this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1848.

No. 72.

AN ACT to amend chapter twenty-five of the revised statutes of 1846.

R. statutes
amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter twenty-five, section eight of the revised statutes of eighteen hundred and forty-six, be and the same are hereby amended by striking out in said section, in the third line, all after the word "offered," where it last occurs in the third line, to the word "after," inclusive where it last occurs in the fourth line, and insert the following: "Said commissioner or the person interested may."

1b.

Sec. 2. And further amend said chapter by striking therefrom all of section twenty-seven, and inserting in lieu thereof the following, viz: Whenever a public highway shall have been laid out and established or altered, through any enclosed or improved lands, and the ascertained damages for such highway shall have been paid or tendered to the owner or occupant, or an order on the treasurer of the proper township for the amount of such damages, shall have been executed and delivered or tendered to such owner or occupant, by said commissioners; said commissioners of highways shall then give the owner or occupant of the land through which said road shall have been laid out or altered, notice thereof, and require him to remove his fence or fences, within such time as they shall deem reasonable, not less than sixty days after giving such notice, and in case such own-

er or occupant shall neglect or refuse to remove his fence or fences within the time specified in such notice, the said commissioners shall have full power and authority, and it shall be their duty, to enter with such aid and assistance as shall be necessary, upon the premises, and remove such fence or fences, and open such highway without delay, after the time specified in such notice shall have expired: *Provided*, No person shall be required to remove his fence or fences between the first day of April and the first day of November.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1848.

No. 73.

AN ACT to amend chapter twenty of the Revised Statutes of eighteen hundred and forty-six, relative to the assessment and collection of taxes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter twenty of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended by adding to the fourth clause of section eighteen the following: "When any lands have been, or hereafter shall be laid out as a town or village, or as an addition to any town or village, and the same has not been duly recorded in the Register's office of the county, and any one or more of the lots have been, or may be sold by the number thereof according to the plat of said town or village, or addition thereto, such lands laid out as aforesaid may, in the discretion of the assessor or assessors, be assessed in whole or in part, according to the subdivisions as represented on the plat of such town or village, and if such subdivision or parcel be a whole lot or block, it shall be described by a designation of the number thereof; if it be a part of a lot or block, such part shall be defined, or it shall be described by its boundaries, or in some other way by which it may be known, and it shall not be necessary to insert the quantity or contents of such lands in the assessment roll."

R. statutes amended.

[Sec. 2. All taxes assessed on any lot or block, or on any part there-

1b.

of, in a town or village, or addition thereto, which have been rejected subsequent to the first day of January, eighteen hundred and forty-seven, or which may hereafter be rejected on account of any informality or defect in the execution, filing acknowledgment or recording of the plat of said town or village, or any addition thereto, the boards of supervisors of the respective counties, may cause the same to be re-assessed upon the same lots or blocks, or parts thereof, which are respectively chargeable with said taxes as provided by law in other cases of re-assessments, excepting such lots or parts of lots as have been sold since the rejection of said taxes, and all the provisions of law concerning the assessment, collection and return of taxes, and of the sale of the lands chargeable therewith, shall be applicable to the re-assessments made as aforesaid, and to the sales of the lands delinquent in the payment thereof.

Sec. 3. That all acts or parts of acts contravening the provisions of this act, be and the same is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 15, 1848.

No. 74.

AN ACT to incorporate the Copper Falls Mining Company.

Corporation
created.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George L. Ward, William Ward and Charles Henshaw, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Copper Falls Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the Upper Peninsula of the state of Michigan.

Capital stock

Sec. 2. The said company shall have corporate succession, and its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each ; and said company may acquire and hold such real and personal estate in the Upper Peninsula of Michigan, as the business of said company may require, to an amount not exceeding the capital stock of said company.

Sec. 3. The officers of said company shall consist of a president, a ^{Officers} board of five directors, including the president, who shall be one thereof, a secretary, and treasurer, who may, however, at the pleasure of the company, be one and the same person ; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company, by its by-laws may prescribe: *Provided*, That one of the said directors shall at all times be a citizen and resident of the state of Michigan, upon whom services of all process against said company may be made, and such service shall be deemed a valid service as against the said Copper Falls Mining Company.

Sec. 4. The said company shall pay to the Treasurer of the state of ^{State tax, &c} Michigan an annual tax, at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company ; which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company ; and for that purpose the president and secretary of said company shall, on the first day of January, in each year, or within fifteen days previous thereto, make, under their hands, a return to the State Treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which, at any time has been borrowed by said company ; and said state tax shall be in lieu of all other taxes upon all the personal property of said company, and in lieu of all state tax upon the real estate of said company, and any investment of any portion of the nett profits of said company, in the business of said company, shall be considered as so much capital paid in, and returned to the State Treasurer accordingly.

Sec. 5. The Legislature may at any time alter, amend or repeal <sup>Right to re-
peal.</sup> this act for any violation of the provisions of this charter.

Sec. 6. The first meeting of said company shall be held at such time ^{1st meeting.} and place as the persons named in the first section, or a majority of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 7. Said company shall be subject to the provisions of chapter

Subject to
general laws

fifty-five, title ten of the revised statutes of A. D. eighteen hundred and forty-six, so far as the same are applicable and not inconsistent with the provisions of this act.

Inhabitants
of this state
to have lien
of \$100.

Sec. 8. The inhabitants of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Office of co.,
to be design-
ated and re-
ported.

Sec. 9. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Duration of
charter.

Sec. 10. This act shall take effect from and after its passage, and shall continue for thirty years from such passage: *Provided*, That nothing herein contained shall be construed to authorize said company to use or exercise any banking power or banking privileges whatever.

Approved March 15, 1848.

No. 75.

AN ACT to provide for the improvement of the Detroit and Grand River Road.

10,000 acres
had appro-
priated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That ten thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving the Detroit and Grand River road, between the village of Howell, in Livingston county, and the village of Michigan, in the county of Ingham: *Provided*, That six thousand acres shall be expended on that part of the road that lies in the county of Ingham, and four thousand acres on that part of the road that lies in the county of Livingston.

Special comm.
authorized.

Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a spe-

cial commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond, with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner, before entering thereon.

Sec. 3. The said special commissioner shall, by virtue of his appointment, have the control and management of the improvements specified in this act, and shall have power to superintend the same in person, or to let out by contract any job or jobs therefor, to the lowest bidder, who shall execute and deliver to the said commissioner a good and sufficient bond, with surerics to be approved by him, and conditioned for the faithful performance of the work, according to the stipulations of said contract. ^{His powers and duties.}

Sec. 4. It shall be the duty of said special commissioner, before letting any such job or jobs, to advertise for proposals, stating the time and place of meeting for that purpose, which notice shall be given at least four weeks previous to the letting of said jobs, in a newspaper printed in the county where the labor is to be performed. ^{It.}

Sec. 5. Whenever any contractor, under the preceding sections of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or if any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner, to pay said contractor for any such services, by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands, which warrants shall be received at the state land office in payment for any unappropriated internal improvement lands belonging to the state: *Provided*, That nothing herein contained shall authorize the commissioner of the state land office to sell any of said lands at a less price than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate of sale, than forty acres. ^{Contractors, how paid.}

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and despatch compatible with proper economy and the best interests of state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from the ^{Compensation of comm'rs.}

said appropriations hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 15, 1848.

No. 76.

AN ACT appropriating certain internal improvement lands for the improvement of the Detroit and Saginaw turnpike within the county of Saginaw.

2000 acres of
land appro-
priated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That two thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of opening and improving the Detroit and Saginaw turnpike, within the limits of the county of Saginaw.

Special com'r
to be appoint-
ed.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the state is hereby authorized to appoint a special commissioner, who shall, before entering upon the duties of his station, take and subscribe the constitutional oath of office, and file a bond, with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Duties of
com'r.

Sec. 3. The said special commissioner shall, in virtue of his appointment, have the control and management of the improvement of said turnpike, and may superintend the outlay of said appropriation in person, and for that purpose may employ laborers and purchase materials, or he may let out by contract the whole or any portion of said improvements to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the contract: *Provided*, That before such letting, the said commissioner shall advertise the same by an advertisement to [be] published three successive weeks in the North Star, printed at Saginaw.

Sec. 4. Upon the completion of any such job, and in payment of

the amount stipulated in the contract therefor, and also in payment for any labor procured, or materials purchased by said commissioner, for the purposes contemplated by this act, such commissioner may draw his orders upon the Auditor General for warrants payable in internal improvement lands, which said warrants shall be received at the state land office in payment for any such lands, not withheld from sale or otherwise appropriated: *Provided*, The aggregate orders, so drawn by said commissioner, shall not exceed the amount of land hereinbefore appropriated, at one dollar and twenty-five cents per acre.

Contractor—
how paid.

Sec. 5. Upon the completion of the duties hereinbefore assigned to said commissioner, he shall be entitled to receive for the time necessarily employed therein, a sum not exceeding two dollars per day, and such compensation shall be audited and allowed by the board of supervisors of the county of Saginaw, at any meeting of said board, upon presentation of the account of said commissioner duly verified by his oath, and shall be raised and paid as other county expenses are by the provisions of existing law.

Compensa-
tion of com'r

Approved March 15, 1848.

No. 77.

AN ACT to incorporate the North Western Mining Company, of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Zina Pitcher, Israel Coe and Samuel T. Douglass, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the North Western Mining Company, of Detroit, for the purpose of mining, smelting and manufacturing ores, minerals and metals, in the upper peninsula of the state of Michigan.

Incorpora-
tion.

Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the capital stock of said company.

Capital
stock, shares
thereof, and
real estate of
company.

Officers of
company.

Sec. 3. The officers of said company shall consist of a president of a board of five directors, of whom the president shall be one; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said com-

One director
to be citizen
and resident
of Michigan.

pany shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said North Western Mining Company, of Detroit.

State tax.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan, an annual tax of one per cent. on the whole amount of capital stock actual paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof, shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which [has] at any time been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company; and in lieu of all other state taxes on the real estate of said company, and any investment of any portion of the nett profits of said company in business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the state treasurer hereinbefore required.

Right to re-
peal.

Sec. 5. The legislature may at any time alter, amend or repeal this act for any violation of the provisions thereof.

First meet-
ing of corpo-
ration.

Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 7. Any inhabitant of this state shall have a lien upon the stock,

appurtenances and entire property of said company, for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company. Lien of inhabitant.

Sec. 8. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable, and not inconsistent with the provisions of this act. Corporation subject to chap. 55 rev. statutes.

Sec. 9. The said company shall, within six months after the first election of the officers thereof, by vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State a certificate specifying the place of such location; and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct. Business office to be located and reported.

Sec. 10. This act shall continue in force for thirty years from and after its passage: *Provided*, That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges. Duration of charter.

Approved March 16, 1848.

No. 78.

AN ACT for the improvement of the Paw Paw River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That ten thousand acres of the internal improvement lands of this state, in the lower peninsular, be and the same are hereby appropriated for the improvement of the navigation of the Paw Paw river: *Provided*, That in the outlay of said appropriation, improvements shall be commenced at the mouth of said river, and continued progressively inland upon the course of the same. 10,000 acres int. imp't land appropriated on Paw Paw river.

Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of this state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond, with sureties, to be approved by the Special commissioner to be appointed.

Auditor General, conditioned for the faithful discharge of his duties as such commissioner, before entering thereon.

Powers and
duties of
such com'r.

Letting of
contracts.

Proviso.

Com'r to
draw orders
on Aud. Gen.
payable in
land, in favor
of contrac-
tors and oth-
ers, for work.

Sec. 3. The said special commissioner shall, in virtue of his appointment, be empowered to make a selection of the lands hereinbefore appropriated, from any of the unappropriated lands as aforesaid, and to report such selection to the commissioner of the state land office, who shall thereupon reserve the same from sale, and shall not thereafter issue a certificate of purchase for any tract or parcel thereof, except upon the order of said special commissioner; and said special commissioner shall have the control and management of the improvements specified in this act, and shall have power to superintend the same in person, or to let out by contract any job or jobs therefor, to the lowest bidder, who shall execute and deliver to the said commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the contract: *Provided*, That before such letting, the said commissioner shall advertise for proposals for said job or jobs, or any part of said improvements, describing the same; such advertisement to be published four successive weeks in a newspaper published at Niles or Paw Paw.

Sec. 4. Whenever any contractor, under the preceding section of this act, shall have finished his job or jobs, according to the terms and specifications of his contract, and the same shall have been accepted by the said special commissioner, or any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor, according to the terms of his contract, or for any such services, by his order drawn on the commissioner of the state land office, which order shall be received at the land office in payment of any lands appropriated by this act: *Provided*, That nothing herein contained shall authorize the commissioner of the state land office to sell any of said lands at a less price than that now established by law for sale of the internal improvement lands, or to sell a less quantity in any one certificate of sale than the usual legal subdivisions of said lands.

Accounts &
compensa-
tion of spe-
cial com'r.

Sec. 5. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all diligence and dispatch compatible with proper economy and the best interests of the state, and shall file

with the Auditor General an account of all services by him thus rendered, verified by his oath, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable from said appropriation upon the warrant of the Auditor General, drawn upon the commissioner of the state land office.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 16, 1848.

No. 79.

AN ACT to organize a certain township.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the township of Clyde, in the county of St. Clair, comprised in town number seven north, of ranges fourteen and fifteen east, together with all that part of the township of Buttrichville, in said county, comprised in town number eight north, of ranges fourteen and fifteen east, be and the same is hereby set off from said townships and organized into a separate township, by the name of Brockway, and the first township meeting therein shall be held at the dwelling house of Allen Bills, in said township.

Township of
Brockway
organized.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1848.

No. 80.

AN ACT to incorporate the Kalamazoo and Three Rivers Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Evert B. Dykeman, Daniel L. Kimberly, D. S. Walbridge, Hiram Arnold and Edward S. Moore, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Kalamazoo and Three Rivers Plank Road Company, and the

Com'rs to
open books.

subscribers thereto with such other persons as shall associate with them, for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Kalamazoo and Three Rivers Plank Road Company, with corporate succession.

Route of
road.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Kalamazoo, in the county of Kalamazoo, on the most eligible route to the village of Three Rivers, in the county of St. Joseph.

Capital.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each.

Duration of
charter,

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may, at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of any of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Subject to
general law.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March 13, 1848, shall be deemed a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 17, 1848.

No. 81.

AN ACT to amend the Charter of the City of Monroe, and for other purposes.

Territory act
act.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the townships of Monroe and Frenchtown as is embraced within the boundaries of the

city of Monroe, be and the same is hereby set off from said townships.

Sec. 2. Said city of Monroe shall be, and hereby is divided into three wards, as follows: "So much thereof as lies south of the centre of river Raisin, and west of the centre of Washington street, and a line formed by protracting the centre of said Washington street, to the centre of said river Raisin, shall constitute the first ward. So much thereof as lies south of the centre of said river Raisin, and east of the first ward as described above, shall constitute the second ward; and so much thereof as lies north of said river Raisin, shall constitute the third ward of said city.

Wards.

Sec. 3. There shall be elected annually in each ward of said city, two aldermen and one assessor, in lieu of those now existing, and for the city at large, one school inspector, to hold his office two years: *Provided*, That at the first election under this act, there shall be two inspectors chosen, one for one year and the other for two years, to hold their offices accordingly, who, together with the clerk of said city, shall be school inspectors of said city.

Officers of Wards and School Inspector.

Sec. 4. That sections one and three of chapter five, and section four of chapter fourteen of the revised statutes, be and hereby are amended by striking therefrom the word "city" wherever it occurs in said sections, and inserting in lieu thereof the word "cities," and by inserting next after the word "Detroit" wherever it occurs in said section, the words "and Monroe"; and that section one hundred and twenty-two of chapter twenty of said statutes be amended by striking from the first line thereof, the word "city" and inserting in lieu thereof the word "cities," and by inserting next after the word "city" in the third line the following: "Of Detroit, and the collector of said city of Monroe;" and that section one hundred and four of chapter sixteen of said statutes be amended by striking out from said section all between the word "chosen" in fifth line and the word "in" where it last occurs in said line, and by inserting next after the word "Detroit" in sixth line, the following: "and four shall be chosen in said city of Monroe."

Rev. statutes amended—chap. 5, sec's 1 & 3; chap. 14, sec 4; chap. 20, sec. 123; chap. 16, sec. 104.

Sec. 5. The assessors of each ward, the school inspectors, justices, constables and clerks of said city shall take the oath, give the bond, perform the duties, receive the compensation, and be subject to the liabilities, as are by law provided for the corresponding officers respectively of the townships of this state.

Officers to take oath—their compensation.

Powers of
common
council.

Sec. 6. The common council of said city is hereby authorized and required to perform the same duties respecting said city as are by law imposed upon the township boards of the several townships of this state.

Resignations
& vacancies.

Sec. 7. The provisions of law as to terms of office, resignation, vacancies and classification of township officers, shall apply to the corresponding officers of said city, as near as may be: *Provided*, That the notice of the time and place of the classification of justices required by section fifty of chapter sixteen of the revised statutes, shall be given by the clerk of said city to the justices elected, and the assessors, who shall attend to the classification in the manner provided by law.

Duties of As-
sessor, in re-
lation to ca-
nal fund.

Sec. 8. At the time of the annual assessments, said assessors shall keep a separate column on their rolls of the valuations which are or may be required by law, or by the ordinances of said city on account of the canal fund; and shall review and complete their assessments at the time, and in the manner provided by section fifteen of chapter twenty of the revised statutes.

Collection of
taxes.

Sec. 9. All city and canal taxes in said city shall be collected in the same manner as township taxes, and the proceeding for the return, sale and redemption of the real estate taxed, shall be the same as near as may be, as provided by law relative to townships.

Elections.

Sec. 10. The mode of conducting all state, district and county elections in said city shall be in the manner provided by law for the election of city officers, as near as may be: *Provided*, That the returns thereof by the ward inspectors shall be made to the county clerk, and the same proceedings had as are now provided by law for the return of votes by township inspectors of elections.

Polls of elec-
tion.

Sec. 11. At the first election under this act, the poll in the first ward shall be held at the office of the city clerk, and the present assessor of said city, and the aldermen residing in the first ward as hereby constituted, shall be inspectors thereof. The poll of the second ward shall be held at the court house, and the two aldermen now residing in said second ward, shall be inspectors, and the poll for the third ward shall be held at the office of A. D. Anderson, Esq., and the two aldermen residing in said third ward shall be inspectors thereof.

Sec. 12. The justices elected at the first election under this act, are

hereby authorized to enter upon the performance of their duties as ^{Justices of the peace.} such, as soon as they shall qualify according to law.

Sec. 13. The collector of said city shall pay over to the city treasurer all moneys received by him to the credit or for the benefit of said city. ^{Collector.}

Sec. 14. The proper officers of the Mayor's court of said city, are ^{Mayor's court.} hereby authorized to summon talismen to set on juries in said court, and empanel new juries in case of disagreement, in the manner provided by law respecting courts of record.

Sec. 15. The townships of Monroe and Frenchtown shall retain their present organization, subject to the alteration of boundaries here- ^{Monroe and Frenchtown.} in provided ; and the first annual township meeting under this act for ^{First annual meetings.} said township of Monroe, shall be held at the school house in school district number three therein ; and the first township meeting for said township of Frenchtown under this act, shall be held at the house of Louis Bertholette, in said township of Frenchtown : *Provided*, That the provisions of law relative to the removal and adjournment of the place of holding such election shall apply to said meetings.

Sec. 16. The common council of said city shall assess the street tax ^{Street tax.} of said city at such time as they may deem proper, and thereupon may issue their warrant to the collector for the collection thereof.

Sec. 17. So much of any and all acts as are inconsistent with this act are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after the first day of April next.

Approved March 17, 1848.

No. 82.

AN ACT for the relief of Asa Pratt.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office be, and he hereby is authorized and required to issue his certificate to Asa Pratt for the south west one-fourth of section thirty-three, in town seven north, of range twelve west : *Provided*, The said Asa Pratt shall, within one year from the passage of this act, pay into the office of the said commissioner the sum of two hundred dol-

lars, with the interest which may be due thereon, reckoning from the first day of January, A. D. eighteen hundred and forty, to the time when said money and interest shall be paid to the said commissioner.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1848.

No. 83.

AN ACT to provide for laying out and establishing a certain state road in the counties of Eaton, Barry and Allegan, and making appropriations therefor.

3 special comm'rs appointed. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Willard Davis, of the county of Eaton, Nathan Barlow, Jr., of the county of Barry, and Ezra C. Southworth, of the county of Allegan, be and they hereby are appointed commissioners, with full powers to lay out and establish a state road from the town of Michigan, in the county of Ingham, to Allegan, in the county of Allegan, upon the following route, viz: from said village of Michigan, on the most direct and practicable route to a point in the south line of the township of Oneida; thence following the township line of Oneida, Benton, Chester and Roxand, westerly, to the northwest corner of section four, in the township of Chester; thence on the most direct and eligible route, to the village of Vermontville; thence on the most eligible route to the village of Hastings, in the county of Barry; thence upon the present traveled route, to a point one mile east of the east line of the county of Allegan; thence on the most practicable and feasible route to the village of Allegan, in the county of Allegan.

Route of road defined.

Duties of commiss'rs. Sec. 2. The said commissioner, residing in the county of Eaton, is hereby authorized and empowered to lay out and establish said road from the town of Michigan aforesaid, to a point in the west line of the county of Eaton, upon the route specified in the first section of this act; and the said commissioner residing in the county of Barry is also authorized and empowered to lay out and establish so much of said road as lies within the limits of the county of Barry, and upon the line in the first section designated; and the said commissioner residing in the

county of Allegan, is also authorized and empowered to lay out and establish so much of said road as lies in the county of Allegan, upon the route in the first section of this act specified: *Provided*, That said road shall be laid in a continuous line, and no part thereof shall be deemed to be laid out or established within a county, until the commissioner thereof shall have filed for record the profile map and field notes, (as provided in the next section,) of the entire line within his county.

Sec. 3. It shall be the duty of each of the above named commissioners to cause an accurate profile map, with the field notes attached, to be made of the entire route, within the limits of their respective counties, and to cause so much of said map and field notes as embrace any portion of a township or touch the boundary line thereof, to be filed for record in the office of the clerk of any such township, in the manner now directed by law for recording public highways.

Profile map and field notes to be filed in office of township clerks.

Sec. 4. To aid in opening and improving the road authorized to be laid out and established by the provisions of this act, there is hereby appropriated four thousand acres of the internal improvement lands of this state, two thousand acres thereof to be expended upon said road in the county of Eaton, one thousand acres thereof to be expended upon said road in the county of Barry, and one thousand acres thereof to be expended upon said road within the county of Allegan: *Provided*, That the labor performed and improvements made on said road in the county of Eaton, by virtue of the expenditures of the said appropriation, shall be divided and expended judiciously throughout the entire line of said road in the county of Eaton.

4000 acres of int imp land appropriated.

Sec. 5. The commissioners appointed and named in the first section of this act shall have the management and general supervision, in their respective counties, of the opening and improvement of said road, and the application of the above appropriation for that purpose, and in the execution of the trust hereby confided in them, shall respectively have and possess all the powers of the highway commissioners of the several townships interested by or bounded upon the line of said road, and in the settlement of all the claims for damages by any person interested in lands through which said road may be laid out, shall have authority to make application to a justice of the peace of the proper township, or an adjoining one, for the appointment of appraisers, and the same

Comm'rs to expend appropriation, &c.

proceedings shall be had in all respects for ascertaining the amount of such damages, and paying the same, as are now prescribed by law for regulating the action of highway commissioners.

Sec. 6. The said commissioners, within their respective counties, are hereby authorized to superintend in person the outlay of so much of the above appropriation as falls to the share of their several counties, and for that purpose employ laborers and purchase materials, or they may severally let by contract, to the lowest bidder, such jobs as either of them may deem advisable, upon receiving the bond of any such contractor, with sufficient sureties, conditioned for the faithful performance of the contract: *Provided*, That the public shall be first notified of the time and place of letting any such job or jobs, by an advertisement to be inserted for three successive weeks in a newspaper printed in the same county, or any adjoining county, in case no newspaper is printed in the county where such commissioner may reside.

Com'r may
superintend
in person or
let contracts

Sec. 7. Upon the completion of any such job, and in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by either of said commissioners, for the purpose contemplated by this act, such commissioner may draw his orders upon the Auditor General, for warrants of not less than fifty dollars each, drawn against and payable in internal improvement lands: *Provided*, That the aggregate orders drawn as aforesaid, by either of said commissioners, shall not exceed the amount of land hereinbefore appropriated to his county, at one dollar and twenty-five cents per acre; and that the warrants thus to be issued by the Auditor General, shall be receivable at par by the commissioner of the state land office, in payment for any internal improvement lands, unsold, and not otherwise specifically appropriated, at the time of the presentation of any such warrant or warrants at the said land office.

Comm'rs to
take oath &
give bond.

Sec. 8. The said commissioners, before entering upon the discharge of their duties, shall take and subscribe the constitutional oath of office, and severally execute a bond to the people of this state, with sufficient sureties, conditioned for the faithful discharge of the duties devolved upon them as such commissioners, which said bond shall be approved by the proper county treasurer and filed in his office.

Their com-
pensation—
how paid.

Sec. 9. Upon the completion of the duties hereinbefore assigned to said commissioners, they shall severally be entitled to receive for

the time necessarily employed therein, a sum not exceeding two dollars per day, and such compensation, together with the necessary expenses of the survey and making of said road, shall be audited and allowed by the several township boards, and of the townships interested by or bounded upon the line of said road, within said counties respectively according to the pro rata division thereof, made by said commissioners severally, and shall be paid by said townships as other highway expenses are paid by the provisions of existing law.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 17, 1848.

No. 84.

AN ACT to provide for laying out a State Road in the County of Allegan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That John Parsons, Hiram Sabin and Nelson Chambers, all of the county of Allegan, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at or near the south east corner of section seven, in township four north, of range ten west, thence on the most eligible route to the south east corner of section sixteen, township four north, of range thirteen west, and thence west on the route of the public highway as laid out by the commissioners of highways of the township of Monterey, to the point of intersection with the Allegan and Holland Colony road.

Com'rs to lay out road.

Sec. 2. The commissioners named in this act shall file the surveys of so much of the above mentioned road in the office of the township clerk of each township through which said road shall pass as shall be laid out in such township ; and it is hereby made the duty of the township clerks in the said townships to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded.

To file surveys.

Sec. 3. The state shall in no case be chargeable with the expense of laying out and establishing said road, and in case the said road shall not be surveyed and recorded as herein provided, within two years from the passage of this act, the provisions contained in this act shall be void.

State not liable for expense.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 18, 1848.

No. 85.

AN ACT to incorporate the Pittsburgh and Boston Mining Company of Pittsburgh.

Corporation
created.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles Avery, Curtis G. Hussey, Thomas M. Howe and Thomas Bakewell and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Pittsburgh and Boston Mining [Company,] of Pittsburgh, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the Upper Peninsula of the state of Michigan.

Capital stock

Sec. 2. The said company shall have corporate succession ; its capital stock shall be one hundred and fifty thousand dollars, divided into six thousand shares of twenty-five dollars each ; and said company may acquire and hold such real and personal estate in the Upper Peninsula of Michigan as the business of the company may require, to an amount not exceeding the sum of one hundred and fifty thousand dollars.

Officers

Sec. 3. The officers of said company shall consist of a president, a board of five directors, each owning in his own right not less than twenty shares of stock, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person ; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Pittsburgh and Boston Mining Company of Pittsburgh : *Provided*, That until the first annual meeting of the said company after its organization under this act, Charles Avery, Curtis G. Hussey, Thomas M. Howe and Thomas Bakewell, of Pittsburgh, Charles Scudder, of Bos-

ton, and George C. Bates, of Detroit, shall be and continue, and they and their successors are expressly constituted directors of said company, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company; which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof shall, on the first day of January, in each year, or within fifteen days previous thereto, make, under their hands, a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which, at any time has been borrowed by said company; and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all state taxes on the real estate of said company, and any investment of any portion of the nett profits of said company, in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required.

Sec. 5. It shall be lawful for the said corporation, whenever they may deem it expedient, to locate, lay down and construct a railroad from their mines to Eagle Harbor, or any other point on Lake Superior which they may deem most eligible as a place of deposit and shipment for their ores, metals and other commodities; and it shall be lawful for them to enter in and upon and occupy any intervening lands for that purpose, and to take and use, dig and carry away such stone and earth or other materials, as may be required for the construction of the said road: *Provided*, That such company shall first obtain the consent of the owner or owners of such lands which they may wish to use for that purpose: *Provided*, That said rail road may also be used for the sole purpose of transportation of metals, ores and supplies, by the North American Mining Company, and the Albion Mining Company, or any other incorporated mining company, on the payment

Co. may construct rail road.

therefor of such tolls as shall be agreed upon, not exceeding the tolls now fixed by the Pontiac Rail Road Company.

1st meeting. Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of inhabitants of this state. Sec. 7. Any inhabitant of the state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Subject to general laws Sec. 8. Said company shall be subject to the provisions of chapter fifty-five, of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Office of co., to be designated and reported. Sec. 9. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Duration of charter. Sec. 10. This act shall take effect and be in force for thirty years from and after its passage, and the legislature may at any time alter, amend or repeal this act, after the limitation thereof, by a two-thirds vote, or any time for any violation of the provisions thereof: *Provided*, That it shall not be lawful for said company to use their funds or any part thereof in any banking or brokerage or exchange, or in buying or selling money or bank-notes, or stocks of any kind, or in any other business, whatever, except that specially provided for by this act.

Approved March 18, 1848.

No. 86.

AN ACT authorizing the laying out a state road from Thorn's Mills, in Lapeer county, to Axford's Mill, in Oakland county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That John K. Axford and Milton B. Delano, of Oakland county, and Leonard Russell, of Lapeer county, are hereby constituted commissioners to lay out a state road from Thorn's Mills, in the town of Dryden, in Lapeer county, on the most eligible route, to a point at or near Axford's Mills, in the town of Orion, in Oakland county. Com'rs to lay out road.

Sec. 2. For the purpose of laying out and opening said road, said commissioners shall possess the power now conferred upon the highway commissioners of the several townships through which the said road shall be laid, and for settling and adjusting all claims for damages by persons interested in the lands through which said road shall be laid, they may apply to a justice of the peace of the proper township, or adjoining township, for the appointment of three disinterested appraisers, and the same proceedings shall thereupon be had in all respects as are now provided for by law for the settlement of like cases by highway commissioners. Powers of commis'rs.

Sec. 3. The said commissioners shall cause accurate field notes of the survey of said road, or so much thereof as passes through or may be within the limits of each township, to be filed in the office of the proper township clerk or clerks, who shall record the same in the manner now provided by law for recording public highways. Field notes to be filed.

Sec. 4. That the state shall not be chargeable for laying out and establishing said road, nor for any expenses whatever connected therewith, and this act shall be void as to such road herein mentioned, if not surveyed and laid out within two years from and after the passage of this act. State not liable.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 18, 1848.

LAWS OF MICHIGAN.

No. 87.

AN ACT to amend an act entitled an act to amend an act entitled an act to incorporate the Shelby and Detroit Railroad Company.

Act amend'd Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section three of an act entitled an act to amend an act to incorporate the Shelby and Detroit Railroad Company, approved May fourth, eighteen hundred and forty-six, be so amended that the same shall read as follows, to wit :

Sec. 4 as amended. Section three. Section four of said act is hereby so amended that said section shall read as follows, to wit : "If said company shall not, before the first day of January, one thousand eight hundred and fifty-four, construct, finish and put in operation the entire line of said railroad, then the rights, privileges and powers of said company under this act shall be null and void as to such parts of said line of road as shall not before said time have been finished and put in operation."

Annual report of directors. Sec. 2. On or before the first Tuesday of January in each year, it shall be the duty of the board of directors of said company to report to the Secretary of State, verified by the oath of any two of such directors, the cost of their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and how much paid in, and how much expended ; the whole amount of toll or earnings expended on such road, the amount received during the year for tolls, and from all other sources, stating each separately ; the amount of dividends made, and the amount set apart for a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued.

State tax. Sec. 3. Said company shall pay to the Treasurer of the state of Michigan an annual tax at the rate of one per cent on the whole amount of capital paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of such company, and said state tax shall be in lieu of all other taxes upon all the property of said company, and any investment of any portion of the net profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be returned to the State Treasurer accordingly.

Sec. 4. Section twenty-four is hereby so amended as to read as fol-

lows: "The inhabitants of this state shall have a lien upon the property of said rail road company for all claims and demands not exceeding one hundred dollars each, against such company, originally contracted or incurred within this state, which shall take precedence of any other claims or demands, judgments, liens or mortgages against such company."

Sec. 24 amended.

Sec. 5. That the act to incorporate the Shelby and Detroit rail road company, approved March 7, 1834, and all acts amendatory thereto, be amended by striking out the words "Shelby and Detroit rail road company" wherever it occurs, and insert "Detroit, Romeo and Port Huron rail road company," by which name the company shall be hereafter known.

Act amended.

Sec. 6. The said company are authorized to borrow on the bonds of said company, or by mortgage on the said road, or corporate right of said company on such terms as the directors shall deem best, on a credit not to exceed twenty years, such sum or sums of money as the directors may deem necessary, not exceeding two hundred and fifty thousand dollars, for the purchase and laying down on the track of said road an iron rail of such description as the directors may deem the most advantageous: *Provided*, That no bond executed by said company for any such loans be for a less sum than five hundred dollars.

Co. may borrow money.

Sec. 7. This act shall take effect and be in force whenever the holders of a majority of the stock of said company shall make and sign an instrument in writing accepting and assenting to the alterations and modifications of their charter as is hereinbefore provided, and file the same in the office of the Secretary of State.

Co. to accept alterations in writing. &c.

Approved March 18, 1848.

No. 88.

AN ACT to amend chapter twenty-five of the Revised Statutes of eighteen hundred and forty-six, relative to laying out, altering and discontinuing highways.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four of chapter twenty-five of the revised statutes of eighteen hundred and forty-six, be and the same is hereby so amended as to read as follows:

Sec. 4, chap 25 revised statutes amended.

"Sec. 4. Whenever any ten or more freeholders, residents in any township, shall wish to have a highway in such township laid out, altered, or discontinued, they may, by writing under their hands, make application to the commissioners of highways of the township for that purpose, who shall proceed to lay out, alter or discontinue any such highway, whenever in their judgment the public good will be promoted thereby: *Provided, however,* when said commissioners shall have once decided against the laying out, altering or discontinuing any highway, no second application for the same object shall be entertained by them for the space of one year from the time of making the first application."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1848.

No. 89.

AN ACT to refund certain highway moneys in the county of Barry.

Duties of co.
treasurer of
Barry co'ty

Special com-
missioner
appointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the treasurer of the county of Barry is hereby authorized and required to transfer to the credit of the several townships, viz: Johnstown, Rutland, Irving and Thornapple, of said county, the unexpended balance of moneys placed to the credit of Albert E. Bull, special commissioner, appointed by the act entitled an act to lay out, establish and provide for the construction of a state road from the village of Battle Creek, through the village of Hastings, to intersect the Grand River and Kalamazoo road, to lay out and expend certain non-resident highway taxes on state road mentioned in said act.

Powers and
duties of
such com'r.

Sec. 2. The said special commissioner is hereby required to pay over to the county treasurer of said county all moneys by him received as special commissioner, on account of the several aforementioned townships, which remain unexpended, and the county treasurer is hereby required to credit the same to the several townships to which it respectively belongs: and in case the special commissioner aforesaid shall neglect or refuse to pay over all moneys, if any in his hands, belonging to said fund, then it shall be the duty of said county treasurer,

in his own name, to sue for and recover the same, with costs of suit, before any court having competent jurisdiction.

Sec. 3. And it shall further be the duty of said county treasurer, to pay the township treasurer of the several townships, as contemplated by this act, all such moneys as shall be placed to their credit, respectively, to be appropriated and expended by the highway commissioners, in the same manner as other non-resident highway taxes are directed by law to be expended. Duties of co. treasurer.

Sec. 4. The law requiring the collection and return of non-resident highway taxes, in the act entitled an act to lay out and establish and provide for the construction of a state road from the village of Battle Creek, through the village of Hastings, to intersect the Grand River and Kalamazoo road, so far as regards the townships aforesaid, be and the same is hereby repealed. Act amended.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1848.

No. 90.

AN ACT to establish a state road from the village of Lexington, in the county of St. Clair, to the eastern boundary of the county of Lapeer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Clark M. Mills, James L. Smith and Randal E. Davis, of the county of St. Clair, be and they are hereby appointed commissioners to lay out and establish a state road from the village of Lexington, in the county of St. Clair, to the eastern boundary line of the county of Lapeer, upon the most direct and feasible route. Com'rs to lay out road.

Sec. 2. The commissioners named in this act shall file the surveys of so much of the above mentioned road, in the office of the township clerk of each township through which said road shall pass as shall be laid out in such township; and it is hereby made the duty of the township clerks in the said townships, to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded. To file surveys.

State not lia-
ble for ex-
pense.

Sec. 3. The state shall in no case be chargeable with the expense of laying out and establishing said road, and in case the said road shall not be surveyed and recorded as herein provided, within two years from the passage of this act, the provisions contained in this act shall be void.

Approved March 18, 1848.

No. 91.

AN ACT to vacate an alley in the village of Albion, Calhoun county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the alley in block thirty-four, in the the village of Albion, in the county of Calhoun, be and the same is hereby vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1848.

No. 92.

AN ACT to authorize F. G. Hubinger and A. Cramer to erect and maintain a Dam across the Cass River, in the County of Saginaw.

Dam autho-
rized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That it shall be lawful for F. G. Hubinger and A. Cramer, their heirs and assigns, and they are hereby authorized to erect and maintain a dam not exceeding eight feet in height above common low water mark across the Cass river on section twenty-seven, in town eleven north, of range six east, in Saginaw county.

Owner to
construct
lock, &c.

Sec. 2. The owner or occupant of said dam shall construct therein or thereat, a convenient lock, at least eight feet in length and eighteen feet in width, for the safe passage of boats, canoes, rafts and other water craft, whenever the county court of said county shall order the same to be done upon good cause shown.

Trespass on
quarry.

Sec. 3. Any person who shall destroy or otherwise injure said dam, shall be deemed to have committed a trespass on the owner or owners thereof, and shall be liable accordingly ; but nothing in this act con-

tained shall be construed to affect the rights of individuals who may be injured by reason of the erection or continuing said dam.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 20, 1848.

No. 93.

AN ACT to amend section twenty-three, chapter fifty-eight of the revised statutes of eighteen hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section twenty-three of chapter fifty-eight of the revised statutes, be amended by inserting in line eight of said section, between the words "of" and "agricultural," the following words, viz: "astronomy, natural philosophy, and."

Approved March 20, 1848.

No. 94.

AN ACT to improve the main traveled road from Hastings, in Barry county, to Battle Creek.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That two thousand acres of internal improvement land be and the same are hereby appropriated for the purpose of improving that part of the main traveled road leading from Hastings in Barry county, to Battle Creek in Calhoun county, which lies in the county of Barry: *Provided*, That the right of way to the public shall first be obtained.

2000 acres
int. imp. land
appropriated.

Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a special commissioner, who may make a selection of the lands herein appropriated, and report such selection to the Commissioner of the State Land Office, who shall thereupon reserve the same from sale, issuing no certificate for any tract or parcel thereof, except upon due order of the special commissioner: *Provided*, That the said special commissioner shall first take and subscribe the constitutional oath

Special commissioner.

of office, and shall file a bond, with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such special commissioner: *Provided, also,* That said commissioner shall receive no pay or compensation for selecting said lands.

Powers of
com'r.

Sec. 3. The said special commissioner shall, in virtue of his appointment, have the control and management of the improvement of the road specified in this act, and shall have power to let out by contract the building of any bridges on the said road, and working the same, to the lowest bidder, who shall execute and deliver to said special commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the said contract: *Provided,* That before the letting, the said commissioner shall advertise for proposals for the constructing any such bridges as may be necessary on the line of said road, and the opening and working of said road, in separate sections, describing the same, by posting up notices in three of the most public places in each of the townships through which such road passes, for at least three weeks previous to the letting of said contracts.

Contractors
and work-
men, how
paid.

Sec. 4. Whenever any contractor, under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by the said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said commissioner to pay said contractor, according to the terms of his contract, or for any such service, by his order drawn on the Commissioner of the State Land Office, payable in lands only, which order shall be received at the land office in payment for any lands selected and reserved from sale by the second section of this act: *Provided,* That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said land at a less price than that now established by law for the sale of the internal improvement lands, or a less quantity, in any one certificate of sale, than the usual legal subdivision of said lands: *Provided,* That said commissioner shall not be authorized to draw warrants for any more lands than are appropriated by this act.

Compensa-
tion of spec-
ial com'r, his

Sec. 5. Such special commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and dispatch

compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding one dollar and a half per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable from the said appropriation, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath; thereupon the Auditor General shall issue his warrant to the said special commissioner for the amount of such services, which shall be received by the Commissioner of the Land Office for any of the lands selected and reserved from sale by virtue of section two of this act.

acc't audited
by Aud.
Gen'l.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1848.

No. 95.

AN ACT appropriating certain internal improvement lands for opening and improving the road from Corunna to the forks of Bad River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That seven thousand acres of internal improvement lands in the lower peninsula of this state be and they are hereby appropriated for the purpose of opening and improving the road leading from Corunna, in the county of Shiawassee, to a point at or near the forks of Bad river, in the county of Saginaw.

7000 acres
int imp. land
appropriated
on road.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the state is hereby authorized to appoint a special commissioner, who may make a selection of the lands hereinbefore appropriated, and report such selection to the Commissioner of the State Land office, who shall thereupon reserve the same from sale, issuing no certificate for any tract or parcel thereof, except upon the order of said special commissioner: *Provided,* That nothing shall be paid to such special commissioner for making the selection of the lands hereby appropriated.

Spec'l com'r
to be ap-
pointed.

Sec. 3. The said commissioner shall, by virtue of his appointment, have the control and management of the improvements in this act

Duties of
com'r.

specified, and shall have power to let out by contract the opening and improving said road, in such parts or jobs as he may think best, to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work stipulated in the contract: *Provided*, That before such letting, the said commissioner shall advertise for proposals for contracting said work, such advertisement to be published for three successive weeks in a newspaper published in the county of Shiawassee, if any newspaper shall be published in said county, and if not, then by posting up written notices of the same in seven of the most public places in said county.

Powers of
com'r.

Sec. 4. For the purpose of laying out, opening and improving said road, the said commissioner shall possess the power now conferred by law upon the highway commissioners of the several townships through which said road runs or shall be laid, and for settling and adjusting all claims for damages by persons interested in the lands through which said commissioner may lay said road, he may apply to a justice of the peace of the proper township or an adjoining one, for the appointment of three appraisers, and the same proceedings shall be thereupon had, in all respects, as are now provided by law for the settlement of like cases by highway commissioners.

Profile map
to be filed.

Sec. 5. The said commissioner shall cause an accurate profile map and field notes of the survey of said road, or so much thereof as may be within the limits of each township and not run upon the line of an established road, to be filed in the office of the proper township clerk, who shall record the same in the manner now provided by law for public highways.

Compensat'n
of com'r and
audit of his
acc't, &c.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch compatible with proper economy and the best interests of the public, and shall receive for his services a sum not exceeding one dollar and fifty cents per day, and such compensation shall be audited and allowed by the Auditor General, upon a presentation to him of a bill of such services, sworn to be a true bill and account of the services performed by said commissioner, and that the same was necessary in the proper expenditure of said appropriation; and upon the auditing and allowing such bill, the Auditor General shall draw his warrant to said commis-

tioner, payable in internal improvement lands, for the amount so audited and allowed, at one dollar and twenty-five cents per acre, which warrant shall be received in the state land office in payment for such lands as may be reserved by this act from sale.

Sec. 7. Upon the completion of any job let in pursuance of this act, in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured, or materials purchased by said commissioner, for the purposes contemplated by this act, said commissioner may draw his orders upon the Auditor General for warrants payable in internal improvement lands, reserved in pursuance of this act, which said warrants shall be received in the state land office in payment for any such lands not before sold.

Payment of
contractors
and others.

Sec. 8. Said special commissioner, before entering upon the duties of his station, shall take and subscribe the constitutional oath of office, and file a bond with the Auditor General, with sureties, to be approved by him, conditioned for the faithful discharge of his duties as such commissioner.

Comm'r to
take oath &
file bond.

Sec. 9. In case of a vacancy in the office of said commissioner, by the death, resignation or refusal to act as said commissioner, before the said appropriation shall be expended, it shall be the duty of the Governor to fill such vacancy, and the person appointed to fill such vacancy, shall, before entering upon the duties of his office, take the oath of office and file his bond, as required by this act.

Vacancy.

Sec. 10. Said commissioner shall not draw orders for more land than is appropriated and reserved in pursuance of this act.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved March 21, 1848.

No. 96.

AN ACT making an appropriation for the improvement of the canal and navigation at the river Raisin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be and hereby is appropriated, out of the internal improvement lands of this state, situate in the lower peninsula, five thousand acres, to aid in improving the na-

5000 acres
int. imp. land
appropriat'd

LAWS OF MICHIGAN.

section of the river Raisin and canal, in the township and county of Monroe.

Sec. 2. Full power and authority are hereby vested in the common council of the city of Monroe, to select the lands hereby appropriated, and upon the certificate of the said common council, of the selection of said lands or any portion of them, and of the description thereof, to the Commissioner of the State Land Office, or to the proper officer, such commissioner or officer shall thereupon convey said lands to said common council, for the purposes aforesaid; and whenever the title to said lands shall become vested in said common council, the said common council shall have power and authority to sell and convey the same or any part thereof, and apply the proceeds of such sale to improve the navigation of the river Raisin and canal aforesaid, and for no other purpose: *Provided*, That no portion of said land shall be sold at a less sum than one dollar and twenty-five cents per acre: *And provided further*, That before said land or any portion thereof shall be sold, as provided in this section, the common council aforesaid shall cause to be executed to the people of this state, a bond in a sufficient penalty, and with good and sufficient sureties, to be approved by the Auditor General, conditioned for the faithful appropriation and application of said lands, or the proceeds thereof, to the objects specified in the first section of this act; said bond to be filed in the office of the Auditor General within sixty days from the passage of this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 22, 1848.

No. 97.

AN ACT authorizing Alexander McLeod to construct a Canal from the River Cheboygan to Lake Huron.

Canal authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alexander McLeod, his heirs and assigns are hereby empowered to construct a canal from the dam built by said Alexander McLeod on said river, to a bay on Lake Huron; the said canal not to exceed two miles in length, to be at least four feet in

depth, and to be furnished with a lock or locks sufficiently large to allow boats or vessels drawing four feet of water to pass.

Sec. 2. Should said canal run through the lands of any individual, the right of way shall first be procured by the said Alexander McLeod. Right of way

Sec. 3. The said Alexander McLeod is hereby authorized and empowered to build his said dam so as not to exceed eight feet in height above common low water mark. Height of dam.

Sec. 4. The said canal to be completed in three years from the passage of this act; and the use of said canal, from and after its completion, to be at all times free of charge. Time for completion.

Sec. 5. So much of the act entitled an act authorizing Sandy McLeod to build a dam across the Cheboygan river, in the county of Cheboygan, as requires the said Sandy McLeod to construct a lock at said dam, shall be repealed from and after the completion of the canal and lock or locks as contemplated in this act. Act amend'd

Approved March 22, 1848.

No. 98.

AN ACT to extend the limits of the township of Ionia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That sections twenty-two, twenty-seven, and thirty-four, in township number seven north, of range number six west, and also so much of said township as lies north of the centre of Grand River, now belonging to the township of Lyons, be and the same is hereby attached to the township of Ionia; also, so much of township number seven north, of range number six west, as is now attached to the township of Berlin, be and the same is hereby attached to the township of Ionia. Lands attached to township of Ionia.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1848.

No. 99.

AN ACT to amend an act entitled "an act relative to Plank Roads," approved March thirteenth, eighteen hundred and forty-eight.

Act amend'd Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, be and the same is hereby amended by inserting between sections twenty-three and twenty-four of said act, to stand as section twenty-four, the following :

Ibid. Sec. 24. Every plank road company hereafter incorporated shall at all times permit any person, with any team, animal, or otherwise, paying toll as aforesaid, to travel upon the road and through the gates of such company without unnecessary hindrance or delay, and for every offence against the provisions of this section by said company or any agent or person in its employ, said company shall forfeit and pay a penalty not less than five nor more than fifty dollars, to be recovered by the party aggrieved before any court having jurisdiction thereof.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1848.

 No. 100.

AN ACT to incorporate the Detroit and Saline Plank Road Company.

**Com'rs to receive sub-
scriptions to
cap. stock,
&c.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Henry Ledyard, Shubael Conant, of Detroit, and John W. Vancleve, Mark Morris, Walter B. Hewitt, of Ypsilanti, D. S. Haywood, of Saline, and William S. Maynard, of Ann Arbor, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Detroit and Saline plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Detroit and Saline plank road company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay ^{Line of road.} out, establish and construct a plank road, and all necessary buildings, from the city of Detroit, in the county of Wayne, to the village of Saline, in the county of Washtenaw, by the way of Ypsilanti, with the privilege of constructing a branch from the village of Wayne, to the village of Schwarzburg, in the county of Wayne, and also from the village of Ypsilanti to Ann Arbor, in the county of Washtenaw.

Sec. 3. The capital stock of said company shall be one hundred ^{Amount of} thousand dollars, in four thousand shares of twenty-five dollars each. ^{capital.}

Sec. 4. This act shall be and remain in force for the term of sixty ^{Duration of} years from and after its passage, but the legislature may at any time, ^{charter, right} alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company. ^{of repeal, &c.}

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March 13, 1848, shall be and are made a part of this ^{This act sub-} act. ^{ject to gener-} ^{al plank road} ^{law.}

Sec. 6. This act shall take effect from and after its passage.

Approved March 23, 1848.

No. 101.

AN ACT to amend an act to incorporate the village of Grand Rapids, approved April fifth, eighteen hundred and thirty-eight.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all after the enacting clause of section one of an act entitled "an act to incorporate the village of Grand Rapids," approved April fifth, eighteen hundred and thirty-eight, be stricken out, and the following inserted, viz: That all that tract of country situated in the township of Grand Rapids and county ^{Act amend'd.}

of Kent, embraced within the following bounds, to wit: beginning at the fractional corner, on the east bank of Grand river, between sections twenty-five and thirty-six, township seven north, of range twelve west, thence east along the line between said section, and between sections thirty and thirty-one, town seven north, range eleven west, to the middle of the south boundary of the west half of the southeast quarter of section thirty, town seven north, range eleven west, aforesaid, thence north to Cold brook, thence along the north bank of said Cold brook to the east bank of Grand river, thereon along said bank at the low water mark, thence to the place of beginning be and the same is hereby constituted a town corporate, by the name of the "village of Grand Rapids."

Ibid.

Sec. 2. That all of section four of said act, down to and including the word "abilities," in the seventh line, as printed, be stricken out, and the following inserted in lieu thereof: "Each one of the trustees, before he enters upon the duties of his office, shall take an oath or affirmation, which oath or affirmation may be administered by any justice of the peace, to support the constitution of the United States and the constitution of this state, and that he will faithfully and impartially discharge the duties of the office of trustee of said village, according to the best of his abilities, and file the same with the clerk of the board.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 23, 1848.

No. 102.

AN ACT to appropriate certain Internal Improvement Lands for the purpose of improving a State Road from Battle Creek, in the county of Calhoun, through Bellevue and Charlotte, in the county of Eaton, to Michigan, in the county of Ingham.

5000 acres
int. imp land
appropriat'd

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That five thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving a state road from Battle Creek, in the county of Calhoun, through Bellevue and Charlotte, in the county of Eaton, to Michigan, in the county of Ingham.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of this state is hereby authorized to appoint a special commissioner, who shall, in virtue of his appointment, have the control and management of the said improvement in this act specified, and shall superintend, in person, the outlay of the above appropriation, and for that purpose may employ laborers, purchase materials, and let by contract to the lowest bidder, such jobs as he may deem advisable, upon receiving the bond of any such contractor, with sufficient sureties, conditioned for the faithful performance of the contract : *Provided*, That public notice of the time and place of such letting be first given, by publishing the same for three successive weeks in the newspapers published in Battle Creek and Michigan.

Sec. 3. Upon the completion of any job, and in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by said commissioner for the purposes contemplated by this act, such commissioner may draw his orders upon the Auditor General, who shall issue warrants thereon drawn against and made payable in internal improvement lands : *Provided*, That the aggregate orders so drawn by said commissioner shall not exceed the amount of land hereinbefore appropriated, at one dollar and twenty-five cents per acre.

Sec. 4. The warrants thus issued by the Auditor General, as aforesaid, upon orders drawn by said commissioner, as aforesaid, shall be receivable at par in payment for any internal improvement lands unsold and not otherwise specifically appropriated, at the time of the presentation of any such warrants at the state land office.

Sec. 5. The said commissioner, before entering upon the discharge of his duties, shall take and subscribe the constitutional oath of office, and execute a bond to the people of this state, with sufficient sureties, conditioned for the faithful discharge of the duties devolved upon him as such commissioner, which said bond shall be approved by and filed in the office of the Auditor General.

Sec. 6. The said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and despatch compatible with proper economy and the best interests of the state, and shall receive for his services a sum not exceeding two dollars per day, for the time necessarily employed by him in the discharge of the

duties devolved upon him by the provisions of this act, payable from the said appropriation, and shall render to the Auditor General an account of all services rendered by him, verified by his oath, who shall thereupon issue his warrant for the amount drawn against and payable in internal improvement lands included in the above appropriation.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 23, 1848.

No. 103.

AN ACT appropriating certain internal improvement lands for the improvement of a state road in the counties of Livingston and Genesee.

2000 acres
int. imp. land
appropriat'd

Section 1. *Be it enacted by the Seaten and House of Representatives of the State of Michigan*, That two thousand acres of internal improvement lands belonging to this state, be and the same are hereby appropriated for the purpose of opening and improving a state road leading from the village of Brighton in the county of Livingston, to Fentonville in Genesee county; also, a further appropriation of one thousand acres is hereby made for the improvement of the said state road between the villages of Fentonville and Flint, in said county of Genesee.

Special com-
missioner
appointed.

Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sufficient sureties, to be approved by the Auditor General, conditioned to the faithful discharge of his duties as such commissioner.

Powers of
com'r.

Sec. 3. The said special commissioner shall, by virtue of his appointment, have the control and management of the improvement contemplated by this act, and shall have power to let out by contract the working and improvement of said roads to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work stipulated in said contract: *Provi-*

ded, That before such letting of work, the said commissioner shall advertise for proposals for opening and improving said road, or any part thereof, in separate sections or jobs, describing the same ; such advertisement to be published at least four successive weeks in a newspaper published in the counties of Livingston and Genesee, respectively.

Sec. 4. Whenever any contractor, under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor or contractors for any such services or work, by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands, and which warrants shall be received at the land office in payment for any internal improvement lands belonging to the state, not otherwise appropriated : *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a price less than that now established by law, or in less quantity in any one certificate than forty acres.

Payment of
contractors,
&c.

Sec. 5. Said special commissioner shall proceed in the outlay of the appropriation made by this act with the diligence and dispatch that shall be compatible with proper economy and the best interests of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath ; and the Auditor General shall issue his warrant drawn against and payable in internal improvement lands for such amount, to be included in the appropriation by this act.

Compensation of
special com'r. his
acc't audited
by Aud.
Gen'l.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 23, 1848.

No. 104.

AN ACT to regulate the first township election in the township of Grosse Pointe, in the county of Wayne, and for other purposes.

1st township
election of
Grosse
Pointe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That at the first township election to be held in the township of Grosse Pointe, in the county of Wayne, the electors present may choose viva voce, any three of their number, who shall constitute the inspectors of such election during the continuance thereof; and such inspectors shall appoint some competent person as clerk of such election; and such clerk and each of such inspectors shall, before entering on their duties, take the constitutional oath of office, which oath may be administered by either of the inspectors; and said inspectors and clerk shall be subject to the general provisions of law relating to the inspectors and clerk of township elections.

Act repealed

Sec. 2. An act entitled "an act to authorize the polls to be opened at two places in the township of Hamtramck," approved May twelfth, eighteen hundred and forty-six, is hereby repealed.

• Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1848.

 No. 105.

AN ACT authorizing Marcus S. Stone to convey certain Real Estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Marcus S. Stone be, and he is hereby authorized to execute a deed or deeds, in due form of the following described premises, to wit: the south east quarter of the north east quarter of section thirty-five, in township five south, of range two west, to any person or persons who may purchase the whole or any part thereof; and any such deed or deeds duly executed and recorded, shall be deemed to convey and assure to the grantees therein named, their heirs or assigns, forever, the full and sufficient legal title in and to the aforesaid premises, for all intents whatever.

Sec. 2. Before the said Marcus S. Stone shall sell the premises above described, and execute any deed or deeds therefor under the provisions of this act, he shall execute and deliver to the judge of probate of Hillsdale county, a bond, in such penalty as said judge shall direct, conditioned that he, the said Marcus S. Stone, will faithfully account for and pay over to said judge of probate, for the benefit of the widow and heirs of William Stone, deceased, the money received for the premises aforesaid, who is hereby authorized to divide the same among the parties interested, according to their legal interests therein: *Provided*, That no sale by said Marcus S. Stone shall be valid or binding unless the said judge of probate shall endorse upon the deed or deeds to be executed his approval of such sale.

Approved March 24, 1848.

No. 106.

AN ACT to amend "an act incorporating the Pittsburgh and Boston Mining Company of Pittsburgh."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That "an act incorporating the Pittsburgh and Boston Mining Company of Pittsburgh," be so amended as to insert the word "company" after the word "mining," in the first section of said act.

Act amend'd

Sec. 2. This act shall take effect from and after its passage.

Approved March 24, 1848.

No. 107.

AN ACT to organize a School District from portions of the counties of St. Clair and Macomb.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following described pieces and parcels of land be set off and constituted into a school district, to wit: commencing at a point on Lake St. Clair, in the county of St. Clair, where the North-east side of tract number six hundred and four,

Boundaries of school district defined.

teen intersects the lake ; thence north, forty-one degrees west, on said north-east side of the aforesaid tract until it intersects the east line of Macomb county, in section twelve, township three north, of range fourteen east ; thence west on the east and west quarter line through the centre of said section twelve, and so far into section eleven as to include the east half of the south-east quarter of said section eleven ; thence south through sections eleven and fourteen, and so far into section twenty-three as to include the north half of the south-east quarter of said section twenty-three ; thence east to Lake St. Clair, in the county of Macomb ; thence by the centre of said lake to the place of beginning.

Lake district

Sec. 2. The inhabitants residing within the limits aforesaid, shall be and they are hereby constituted a school district, to be known and designated as Lake District, and they shall have and possess the same power to meet and elect officers, under the direction of the school inspectors of either of the townships embracing said district or any part thereof, whose duty it shall be to issue their warrant to some taxable inhabitant, directing him to notify the inhabitants of said district of the first meeting for the election of officers, in the same manner as other districts are organized under existing laws.

Powers and
privileges of
said district.

Sec. 3. And the said district when thus organized, shall have, possess and enjoy, all the privileges, powers and immunities enjoyed and possessed by other school districts of this state, for the purposes of purchasing or leasing a site for a school house, levying and collecting moneys for the erection of the same, to hire teachers, and do all and singular, the necessary acts and duties to maintain a common school in said district, which the officers and inhabitants of school districts organized under existing laws may of right do.

Duties of district officers

Sec. 4. The officers of said school district shall report the scholars in the said district to the proper officers of said respective towns, embracing the same, in the same manner, as near as may be, as is now required by law where districts are organized out of parts of different townships, and the clerk of the board of school inspectors shall report to the county clerk of the county in which the school house is situated, and shall apportion the public money to said district according to the number of scholars therein, in the same manner, as near as may be, as is now required by law for school districts situated in the same county.

Sec. 5. All moneys voted by said school district, and certified by the proper officers thereof to the respective supervisors in the townships in which said school district is in part situated, shall be assessed by the said supervisors, and collected by the several collectors of said townships, in the same manner as other school taxes are assessed and collected, and when so collected shall be paid over to the proper district officer, by the respective treasurers of the townships in which said district is situated, as other school taxes are collected and paid.

Mode of assessing and collecting school taxes.

Sec. 6. All public moneys belonging to said district shall be drawn out and apportioned thereto by the school inspectors of each township in which said district is in part situated, in the same manner, as near as may be, as they are now required by law when a school district is organized in part in different townships.

Apportionment of pub. moneys.

Approved March 25, 1848.

No. 108.

AN ACT to incorporate the village of Mackinac.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all the citizens of this state, inhabitants of the island of Michilimackinac, be, and the same are hereby ordained, constituted and declared to be, from time to time forever hereafter, one body corporate and politic in fact and in name, by the name of "the president, trustees and citizens of the village of Mackinac," and by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleaded and being impleaded in all suits of what nature soever, and also to purchase, hold and convey any estate, real or personal, and may have a common seal, and may change and alter the same at pleasure, and shall be citizens of said village.

Inhabitants of island of Michilimackinac incorporated.

Sec. 2. There shall be a meeting of the citizens of said village holden annually, on the first Monday of October, for the purpose of choosing officers of said village, and that the officers chosen at such meeting shall continue in office until the expiration of the month of October then next, or until others shall be chosen and qualified in their stead.

Annual village meeting

Village officers.

Sec. 3. The citizens of said village, in legal meeting assembled, shall annually choose a president, two trustees, a clerk, a treasurer and a marshal, all which officers shall be chosen by ballot, and on each ballot which shall be given in shall be written the name of the person for whom the same is given, and such ballot shall, by the person giving the same, in the presence of the president and trustees, or such of them as are present at such meeting, be put into a proper box for that purpose by the said village to be provided, and when the citizens present at any such meeting shall have had a reasonable time to give in their ballots, the president, or in his absence the senior trustee present, in the presence of the meeting, shall open the box, sort and count the ballots, and the person who shall have a majority of the ballots given in, shall, by the marshal, or in his absence by the junior trustee present, be declared to be elected, and no ballot be received after the box shall have been opened.

Levying of taxes.

Sec. 4. The citizens of said village, in legal meeting assembled, shall have power to levy taxes on the polls and estate within the limits of said village, and on transient traders, for such purposes as said village shall think proper.

Duties of marshal.

Sec. 5. The marshal shall be the collector of such taxes, and as in cases of fines, is hereby authorized and required to collect and pay over to the treasurer all such sums of money as shall be levied for the use of said village, within three months from the time of his receiving a warrant from the president therefor, and the treasurer's receipt shall be his voucher upon his settlement with the president and trustees, which shall be, when thereunto by them required, at the expiration of the three months as above. The marshal shall give ten days' notice before he makes distress for the collection of any tax, and if the tax on any lot on which no personal property can be found, shall remain unpaid two months after the expiration of the three months aforesaid, the said marshal shall give notice by advertisement in five of the most public places in said village, of the amount of such tax, and the number (or other description) of the lot or lots on which it is due, and if such tax shall not be paid within two months after the date of such advertisement, the marshal in such case may proceed to sell so much of said lot or lots as will discharge the same. The marshal and treasurer shall, before they enter upon the duties of their offices, give bond

with sureties to the president and trustees and their successors in office, (which bond with sureties to be approved by said president and trustees,) conditioned for the faithful discharge of the duties of their respective offices. The treasurer shall pay over all moneys by him received for the use of the village to the order of the president and trustees, and shall, when required, submit his books and vouchers to their inspection.

Duties of treasurer.

Sec. 6. The president and trustees are hereby empowered to lay out new highways, streets and public walks, for the use of said village, and to alter those already laid out in said village, and to exchange highways for highways, or to sell highways, for the purpose of purchasing other highways, taking, in all respects, the same measures as are or may be directed by the laws of this state, as near as may be; and the party aggrieved by the laying out of such street or highways, may have the same remedy by application to the county courts, or otherwise, as is or may be provided in case of other highways; whenever such highways, so laid out by said president and trustees may become unnecessary for public use, they may be discontinued by said president and trustees.

Power and duties of president and trustees.

Sec. 7. The president and trustees, or a majority of them, shall have power to make by laws relative to the markets and commerce within the limits of said village; relative to streets and highways of said village; relative to nuisances within said village limits; relative to wharves, channels, anchoring and mooring of vessels; relative to trees planted for shade, ornament, convenience or use, public or private; relative to the fruit of such trees; relative to trespasses committed in gardens; relative to walks and buildings, public and private; relative to the sweeping of chimnies, and preserving said village from injury by fire; relative to warning meetings of said village, and of said president and trustees, and the times and places when and where they shall be holden; relative to the mode of taxation, as to taxes to be levied in said village; relative to the penalties to be incurred by those who, being chosen to office, shall (not being excused by said village) refuse to serve; relative to the burial of the dead; relative to public lights and lamps; relative to restraining horses, cattle, sheep, swine, or any geese from going at large within the limits of said village; and to establish penalties for the breach of said by-laws: *Provided, however,*

that such penalties shall, in no case, exceed the sum of twenty-five dollars for one offence ; and said penalties shall be payable to the treasurer, or to such other person as the by-laws shall direct, and be recoverable by action of debt, to be brought before any justice of the peace resident within said village, or before any other competent authority : *Provided, however,* That no by-laws of said village shall be repugnant to the laws of this state; *And provided also,* That all the by-laws, made by said president and trustees, shall be published by advertisement, set up in the most public place within said village, (or in some newspaper printed therein,) at least three weeks successively, before the same shall be of any validity.

Power and
liabilities of
marshal de-
fined.

Sec. 8. The marshal shall, within the limits of said village, and on the waters of the same, have the same powers, authorities and privileges, and be liable to the same suits or penalties for neglect of duty, in any case whatever, to all intents and purposes, as constables by law have and are ; and shall execute all lawful precepts to him directed, whether issued by virtue of the by-laws of said village or by the laws of the state, within his said described limits.

Grants and
leases by vil-
lage.

Sec. 9. All grants or leases of real estate belonging to said village, signed by the president of said village, and sealed with the village seal, and approved by said village in legal meeting assembled, shall be good and effectual in law, to convey the estate intended to be conveyed by such grant or lease : *Provided,* The same is recorded in the records of said village ; and that said village shall have power to appoint in-

Inspectors of
produce to
be appointed

spectors of every kind of produce brought to said village for sale or exportation ; and the votes or choice of a majority of the citizens present at any legal meeting, shall be considered in all cases the vote or choice of said village ; and the said village shall have power, in legal meeting assembled, to choose all other officers not enumerated in this act, which shall be necessary to carry the by-laws of said village into execution.

Village offi-
cers to take
oath of office

Sec. 10. The president, trustees, clerk, treasurer and marshal of said village, and inspectors of produce brought to said village for sale or exportation, shall severally take and subscribe the oath prescribed by the constitution of this state, within five days after they may respectively receive a notice of their election, which oath may be administered by any person qualified to administer such oaths by the laws of this state.

Sec. 11. Whenever the president or any other officer of said village shall resign, or be removed by death or otherwise, another shall be chosen and sworn in his stead; and the president of said village, or in his absence, the senior trustee present at any meeting of said village, or of said president and trustees, shall be ex-officio moderator thereof; and the meeting of said village may from time to time be adjourned by a majority of the citizens present; and the said village may at any time hold special village meetings, whenever, in the opinion of the president and trustees, or a majority of them, the circumstances of the village require it.

Vacancies
how filled,
&c.

Sec. 12. Whenever any action or suit shall be commenced against said village, process against said village may be served by leaving a copy of such process, attested by the proper officer, with the clerk of said village, or at his usual place of abode therein, whose duty it shall be to inform forthwith, the president and trustees thereof; and it shall be the duty of the clerk to make and keep a just and perfect record of all and every law and ordinance made and established by said village, and of all corporate proceedings thereof; and the record so made by the clerk shall at all times be open to the inspection of any citizen of said village, and the president and trustees of said village are hereby authorized to fix and establish such fees to the clerk, treasurer, marshal, and other officers of said village as to them shall seem necessary and proper.

Suits against
village.

Sec. 13. The first meeting of the citizens of said village shall be holden on the first Monday in June next, at the court house in said village, at one o'clock in the afternoon, for the choice of a president and two trustees, clerk, treasurer and marshal, and to transact such other business as may be necessary; a copy of this paragraph of this act, duly certified and published in three public places within said village, at least five days before the said first Monday of June next, shall be a legal warning of the citizens of said village to attend said first meeting; and the officers chosen at such meeting shall continue in office until the expiration of the month of October next, unless others are sooner chosen and qualified in their stead. At said first meeting a moderator and clerk shall be chosen, who shall see that the election is duly conducted and certified.

1st annual
village meet-
ing.

Sec. 14. The act entitled "an act to repeal the charter of the bor-

**Act repealed
&c.** ough of Michflimackinac," approved March 16, 1847, is hereby repealed, and all the real and personal property heretofore belonging to said borough shall revert to and be invested in said village, as fully and amply as if the last recited act had not passed ; and the treasurer of the township of Holmes shall deliver to the treasurer of said village, as soon as he is elected and qualified, all the money heretofore received from the treasurer of said borough ; and the township clerk of the said township of Holmes shall deliver all the books and papers belonging to said borough to the village clerk, as soon as said village clerk may be elected and qualified.

Penalty.

Sec. 15. If the treasurer of said township of Holmes shall refuse to pay over to the treasurer of said village the money aforesaid, on lawful demand, he shall incur a penalty of fifty dollars, and shall be liable to be prosecuted in the same manner as other persons holding money in a fiduciary capacity.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved March 25, 1848.

No. 109.

AN ACT to exempt a Homestead from forced sale in certain cases.

**Homestead
defined and
exempted.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That a homestead, consisting of any quantity of land not exceeding forty acres, and the dwelling house thereon and its appurtenances, to be selected by the owner thereof, and not included in any recorded town plat or city or village, or instead thereof, at the option of the owner, a quantity of land not exceeding in amount one lot, being within a recorded town plat or city or village, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of this state, shall not be subject to forced sale on execution, or any other final process from a court, for any debt or debts growing out of or founded upon contract, either express or implied, made after the third day of July, A. D. 1848.

**Exception to
exemption.**

Sec. 2. Such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land

by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

Sec. 3. Whenever a levy shall be made upon the lands or tenements of a householder, whose homestead has not been selected and set apart by metes and bounds, such householder may notify the officer, at the time of making such levy, of what he regards as his homestead, with a description thereof, within the limits above prescribed, and the remainder alone shall be subject to sale under such levy.

Proceeding under levy when homestead has not been defined, &c.

Sec. 4. If the plaintiff in execution shall be dissatisfied with the quantity of land selected and set apart as aforesaid, the officer making the levy shall cause the same to be surveyed, beginning at a point to be designated by the owner, and set off in a compact form, including the dwelling house and its appurtenances, the amount specified in the first section of this act, and the expense of said survey shall be chargeable on the execution, and collected thereupon.

Duties of officer on levy in certain cases.

Sec. 5. After the survey shall have been made, the officer making the levy may sell the property levied upon, and not included in the set-off, in the same manner as provided in other cases for the sale of real estate on execution, and in giving a deed of the same, he may describe it according to his original levy, excepting therefrom by metes and bounds according to the certificate of the survey, the quantity set off as aforesaid.

Ibid.

Sec. 6. Any person owning and occupying any house on land not his own, and claiming said house as a homestead, shall be entitled to the exemption aforesaid.

House on land not his own exempted to owner thereof in certain cases

Sec. 7. Nothing in this act shall be considered as exempting any real estate from taxation or sale for taxes.

Approved March 25, 1848.

No. 110.

AN ACT to incorporate the Leoni Theological Institute.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel Bebens, A. W. Curtis, Rufus Thayer, John Diamond, William Holmes, William M. Sullivan, G. J. Barker, William D. Moore, Marcus Swift, Jason Steele, Jephtha Hewit, and S. P. Rice, of the state of Michigan, and their successors,

Incorporat'n

be and they are hereby created a body corporate and politic, to be styled the Board of Trustees of the Leoni Theological Institute, and by that name shall have perpetual succession, with full power to acquire, hold, and convey property, real and personal, not exceeding thirty thousand dollars, and to have and use a common seal, to sue and be sued, plead and be impleaded, to make, alter and modify, from time to time, such by-laws and regulations as they may deem necessary for the government of said institute, its officers and employees; *Provided*, such by-laws and regulations are not inconsistent with the constitution and laws of the United States or of this state.

Location and buildings. Sec. 2. Said institute shall be located in the village of Leoni, county of Jackson, and the said trustees may proceed in the erection of buildings upon a plan sufficiently extensive for the purposes of a thorough theological education.

Classification of trustees—subsequent trustees to be appointed Sec. 3. At the first meeting of the trustees, after the passage of this act, they shall, by ballot, divide themselves into three classes of four members each; the term of office of the first class shall terminate at the session of the Michigan annual conference of the Wesleyan Methodist connection, in the summer or fall of eighteen hundred and forty-eight, and their places supplied by an election of said conference. The second shall go out of office at the next session of said annual conference, and their places supplied in like manner, and so of the third, so that each year one-third of said trustees shall be elected by said annual conference.

Trustees to fill vacancies and appoint officers. Sec. 4. The above named trustees, and their successors in office, may have power to fill vacancies which may occur in their own body, by death, removal or resignation. They may also appoint from their own members, a president, secretary and treasurer, whose duties shall be prescribed in the by-laws of said institute.

Powers and liabilities of trustees. Sec. 5. Said board of trustees shall be in law capable of acquiring and holding, by purchase, gift, grant, devise or bequest, or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, for the use of said corporation, and for the interest of said institute and no other, and shall be held liable for all debts as partners in trade, after the corporation property shall have been exhausted.

Repeal, &c. Sec. 6. The legislature shall have the power, at any time, of amending or repealing this act; also to demand of the trustees of said insti-

state a statement of the amount of property, real and personal, belonging to the same.

Approved March 25, 1848.

No. 111.

AN ACT to amend an act entitled an act to incorporate the Lake Superior Fishing and Mining Company, approved March 31, 1840.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of said act be and the same is hereby amended by striking out in the sixth line thereof the word "twenty," and substituting the word "thirty," and by striking out in the ninth line the word "fishing," and substituting the word "smelting," so that said section as amended will read as follows : Act amended

"Section 1. That John Hulbert, Alfred Hartshorn, Samuel Ashman, George S. Fake, Cornelius Wickware, Chas. W. Penny, Joel L. Ankrim, Nathaniel W. Brooks, and such other persons as may be associated with them and their successors for the period of thirty years after the approval of this act, be, and are hereby ordained, constituted and declared to be a body politic and corporate, under the name of "the Lake Superior smelting and mining company," and by that name they and their successors, for the period aforesaid, shall, and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and that they and their successors may have a common seal, and may change the same at their pleasure ; and that they and their successors, by the name aforesaid, shall, in law, be capable of purchasing and holding any lands, tenements, hereditaments and real and personal estate whatever, necessary for the objects of this incorporation : *Provided*, The real and personal estate of said corporation shall not exceed two hundred thousand dollars." Sec. 1 as amended.

Sec. 2. The second section of said act is hereby amended by striking out in the fourth line thereof the words "ten hundred," and by substituting for the words "one hundred" in the same line of said section, the word "twenty-five," so that said section shall read as follows : Sec. 2 amended.

"Section 2. The capital stock of said company shall be one hun-

dred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, to consist of and be divided into shares of twenty-five dollars each."

Sec. 4 amended.

Sec. 3. That section four be amended by striking out in the second line thereof the word "fishing," and substituting the words "mining and smelting;" also, by striking out in the third line thereof the word "fishing," and substituting the word "said;" also, by inserting in the fourth line, after the word "directors," the following words: "one of whom shall at all times be a resident of the state of Michigan, and;" also by striking out in the thirteenth line thereof the word "July," and substituting the word "February," and by striking out in the sixteenth line thereof the word "sixty," and substituting the word "thirty," so that said section four may read as follows:

Section as amended.

"Section 4. That for the purpose of conducting the business of said company, which shall be that of mining and smelting, and vending the produce of the same, and carrying on the said business, there shall be five directors, one of whom shall be at all times a resident of the state of Michigan, and one of whom they shall annually elect their president, who shall hold their office for one year, or until others shall be elected in their stead. That the first directors shall be John Hulbert, Alfred Hartshorn, Samuel Ashman, George S. Fake, Cornelius Wickware, Charles W. Penny, Joel L. Ankrim, Nathaniel W. Brooks, of whom until the first election of directors as hereinafter mentioned, the said John Hulbert shall be president: that the election of directors shall be held in their office on the first Monday in February in each and every year, at such time of day and at such place as may be designated by public notice, signed by their secretary, to be inserted in a newspaper in the city of Detroit, once in each week at least thirty days previous thereto; at which said election the stockholders may vote in person or by proxy. Each stockholder shall be entitled to one vote for each share he may hold, and the persons receiving the greatest number of votes shall be duly elected."

Sec. 9 amended.

Sec. 4. That the ninth section of said act be and the same is hereby repealed, and the following section inserted:

Section as amended.

"Section 9. The inhabitants of this state shall have a lien upon the stock and appurtenances, and upon the property of said company, for all dues and demands not exceeding one hundred dollars each against

said company, originally contracted or incurred within this state, which shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said company."

Sec. 5. That section ten be amended by striking out in the third line the words "office of said company," and substituting the words "business office of said company within the territorial limits of the state of Michigan," and adding thereto the following words: "as the by-laws of the company may designate and direct," so that the said section ten may read as follows:

"Section 10. That said company shall within six months after the taking effect of this act, by a vote of the board of directors, locate the business office of said company within the territorial limits of the state of Michigan, and file in the office of Secretary of State, a certificate specifying the place of such location, and thereafter all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct."

Sec. 6. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital paid in on the capital stock of said company, and also upon the whole amount of money borrowed by said company, which tax shall be assessed upon the last preceding report of said company, and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make, under their hands, a report, verified by their several oaths, of the whole amount of capital paid in on the capital stock of said company, and also, of the whole amount of money borrowed by said company, and said tax shall be in place of all other taxes on the personal property of said company, and of all state taxes on the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be returned to the State Treasurer accordingly.

Sec. 7. The eleventh section of the original act is hereby amended by striking out the same and inserting the following to stand in lieu thereof:

"Section 11. It shall not be lawful for said company to use their funds or any part thereof in any banking transaction, in brokerage, or exchange, in dealing in money or bank notes, or in the purchase of

any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act."

Sec. 8. The twelfth section of the original act is hereby amended by striking out the same and inserting the following to stand in lieu thereof:

"Section 12. The legislature may, at any time, by a vote of two-thirds of both houses, amend, alter or repeal this act, or the act to which this is amendatory, for any violation of the provisions thereof."

Sec. 9. This act shall not take effect until said company shall, by their authorized agent or officers, file in the office of the Secretary of State their written assent thereto.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 25, 1843.

No. 112.

AN ACT to authorize Peter M. Kinde to build a dam across Grand River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Peter M. Kinde, his heirs and assigns, are hereby authorized and empowered to build a dam across the Grand River, on section thirty-two and thirty-three, in township number five north, of range number four west.

Sec. 2. That the said dam shall not exceed eight feet above common low water mark, and shall contain a convenient lock, for the passage of all boats, barges, rafts or other water craft that may navigate said river, and shall be so constructed as to receive such boats and other water craft, in slack water of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam, for all the purposes of the navigation of said river at all times.

Sec. 3. It shall be the duty of the owners of said dam, at all times, to keep said locks in repair, and to pass any water craft through the dam, free of toll, and without unnecessary delay; and any person who shall be so detained, shall be entitled to recover of the said own-

ers double the amount for the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction with costs of suit.

Sec. 4. Any person who shall destroy or in any wise injure said dam or lock, shall have been deemed to have committed a trespass upon the owners thereof, and be liable accordingly, and any person who shall wilfully or maliciously destroy or injure the said lock or dam, shall be deemed guilty of a misdemeanor, and on conviction thereof, be punished by fine and imprisonment, in the discretion of the court. Trespass on dam, &c.

Sec. 5. Nothing herein contained shall authorize the individual named in the first section of this act, his heirs or assigns, to enter upon or flow the land of any person or persons without the consent of such person or persons, and the legislature may at any time hereafter alter, amend or repeal this act. Rights of persons reserved.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 25, 1848.

No. 113.

AN ACT to incorporate the Lac La Belle Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William F. Ladd, Samuel Starkweather, Theodore Olcott, Sidney Ketchum, James Tatem, Alexander H. Sibley, and Charles S. Adams, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Lac La Belle Mining Company, for the purpose of smelting and manufacturing ores, minerals and metals, in the upper peninsula of the state of Michigan. Incorporation

Sec. 2. The said company shall have corporate succession ; its capital stock shall be one hundred and fifty thousand dollars, divided into ten thousand shares of fifteen dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the sum of one hundred and fifty thousand dollars. Capital stock

Sec. 3. The officers of said company shall consist of a president, a board of five directors, each owning in his own right not less than Officers.

Assessment
on shares.

twenty shares of stock, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom the service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said mining company: *Provided*, That until the first annual meeting of the said company, after its organization under this act, the present president and board of directors, shall be and continue, and they and their successors are expressly constituted the officers of said company, and shall have and exercise all the powers, and be subject to all the duties and restrictions imposed on the officers to be chosen under this act.

Annual tax.

Annual re-
port.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state tax on the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer herein before required.

Company
may con-
struct cer-
tain rail road

Sec. 5. It shall be lawful for the said corporation, whenever they may deem it expedient, to locate, lay down and construct a rail road from their mines to Lake Superior, upon any route which they may deem the most eligible, as a place of deposit and shipment for their

ores, metals and other commodities ; and it shall be lawful for them to enter in and upon and occupy any intervening lands for that purpose, and to take and use, dig and carry away such stone and earth, or other material, as may be required for the construction of the said road : *Provided*, That said company shall first obtain the consent of the owner and owners of such lands which they may wish to use for that purpose : *Provided*, That said rail road may also be used for the sole purpose of transportation of metals, ores and supplies of any other incorporated mining company, on the payment therefor of such tolls as shall be agreed upon, not exceeding the tolls now fixed by the Pontiac Rail Road Company.

Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting. 1st meeting of company

Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company. Lien of inhabitants of this state.

Sec. 8. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable. Subject to general laws

Sec. 9. The said company shall within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct. Business office.

Sec. 10. This act shall take effect and be in force for thirty years from and after its passage, and the legislature may at any time alter, amend or repeal this act after the limitation thereof, by a two-third vote, or any time for any violation of the provisions thereof : *Provided*, That it shall not be lawful for said company to use their funds or Duration of charter, repeal of same, &c.

any part thereof in any banking or brokerage, or exchange, or in buying or selling money or bank notes, or stocks of any kind, or in any other business whatever, except that specially provided for by this act.

Approved March 25, 1848.

No. 114.

AN ACT to authorize certain persons to convey lands in the county of Allegan.

Charlotte
Maingan au-
thorized to
convey cer-
tain lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charlotte Maingan, widow of the late Nayan Maingan, deceased, is hereby authorized and empowered to sell and convey, by deed, all the interest of which the said Nayan Maingan died seized, in the following described lands, situated in the Indian Colony of Old Wing, in the county of Allegan, to wit: number four (according to the plat of the lands belonging to the said colony,) situated in the south west quarter of north west quarter, of north east quarter of section three, containing eight acres; also, number sixteen, situated on the west side of the north west quarter of north west quarter of said section three, town four north, of range fifteen west, containing sixteen acres.

Margaret
Okitchigume, do.

Sec. 2. That Margaret Okitchigume, widow of Nayan Okitchigume, deceased, is authorized to sell and convey by deed, all the interest which her said husband had at the time of his decease, in the following described land, to wit: number fifty-five, according to said plat situated in the south east corner of the north east quarter, of south east quarter of section five, town four north, of range fifteen west, containing eight acres of land.

Choni We-
kazoo, do.

Sec. 3. That Choni Wakazoo, widow of the late chief, Joseph Wakazoo, deceased, is authorized to sell and convey by deed, all the interest which her said husband had at the time of his death, in the following described land, viz: number two, according to said plat, it being the south west quarter of north east quarter of section three, town four north, of range fifteen west, containing forty acres.

Mary Ann
Wawagibo,
do.

Sec. 4. That Mary Ann Wawagibo, mother of Mitchell Wawagibo, deceased, is hereby authorized and empowered to sell and convey by

deed, all the interest which the said Mitchell Wawagibo had at the time of his death, in the following described land, viz : number nineteen, according to said plat situated on the west side of the south west quarter of north west quarter, of said section three, town four north, of range fifteen west, containing twenty-four acres.

Sec. 5. Dominic Wiendagawish, only son of Naas Wiendagawish, deceased, is hereby authorized and empowered to sell and convey by deed, the following described land, owned by his father at the time of his death, viz : number forty-five, of said plat situated in the north west quarter of the north west quarter of section four, town four north, of range fifteen west, containing thirty acres and forty-five hundredths of any acre ; also, number fifty-three, fifty-four and fifty-six, according to said plat situated in the south west part of the north east quarter of south east quarter, of section five, in town four north, of range fifteen west ; said three last numbers containing in all twelve acres.

Sec. 6. That Waonagua Mutchesepe, only heir of Joseph Moses Mutchesepe, deceased, is hereby authorized and empowered to sell and convey by deed, all the interest which her father had at the time of his death, in the following described lands, viz : number fifty-one, according to said plat situated in the north east corner of the north east quarter of south east quarter of section five, town four north, of range fifteen west, containing eight acres.

Sec. 7. That Mesquaba Okitchigume, widow of Francis Okitchigume, deceased, is hereby authorized and empowered to sell and convey by deed, the following described land, owned by her husband at the time of his death, viz : number fifty-two, according to said plat, situated in the north west corner of the north east quarter of south east quarter of section five, of town four north, of range fifteen west, containing eight acres.

Sec. 8. That Mitchel Wiendagawish, only son of Mitchel Wiendagawish, deceased, is authorized and empowered to sell and convey by deed, all the interest which his father had at the time of his death, in the following described land, viz : number thirty-two, according to said plat, situated on the west half of the east half of the south east quarter of section four, town four north, of range fifteen west, containing thirty-two acres.

Sec. 9. That Mary Ann Wawagibo, mother of John Baptist Wa-

Mary Ann
Wawagibo,
do.

Proviso.

wagibo, deceased, is authorized and empowered to sell and convey by deed, all the interest which said John Baptist Wawagibo had at the time of his death, in the following described land, viz : number twenty-one, according to said plat situated on the south east corner of south west quarter of north west quarter, of section three, town four north, of range fifteen west, containing eight acres : *Provided always*, That George N. Smith, missionary in said colony, shall consent to all sales of land made by authority of this act, and shall endorse his approval of such sale upon the deed or deeds executed : *And provided further*, That the judge of probate for the county of Allegan shall also consent to any sale made or deed given by authority of this act, and signify such consent in writing upon such deed or deeds.

Sec. 10. Any deed made under the provisions of this act, and executed according to existing laws, and approved by said George N. Smith and said judge of probate as herein provided, shall be valid to pass the interest authorized to be conveyed by this act.

Approved March 27, 1848.

No. 115.

AN ACT to incorporate the Bohemian Mining Company.

Incorporat'n Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry H. Brown, Charles A. Trowbridge, and George V. N. Lothrop, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Bohemian Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan.

**Capital stock
&c.**

Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred and fifty thousand dollars, divided into shares of fifty dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the capital stock of said company.

**Officers.
Mode of as-
sessment on
shares, &c.**

Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one; a secretary

and treasurer, who may, at the pleasure of the company, be one and the same person ; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Bohemian Mining Company.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company ; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state tax on the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required : said taxes to be secured and collected agreeably to the laws of this state.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take pre-

cedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Subject to
general pro-
visions of rev
statutes.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Office of co.,
to be desig-
nated and re-
ported.

Sec. 8. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Sec. 9. This act shall take effect from and after its passage, and continue in force thirty years therefrom : *Provided*, That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges.

Approved March 27, 1848.

No. 116.

AN ACT to incorporate the Albion Mining Company.

Albion mi-
ning co. in-
corporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Chauncey Bush, Joseph B. Bloss, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Albion Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the Upper Peninsula of the state of Michigan.

Capital and
real estate.

Sec. 2. The said company shall have corporate succession, and its capital stock shall be two hundred thousand dollars, divided into shares of five dollars each ; and said company may acquire and hold such real and personal estate in the Upper Peninsula of Michigan, as the business of said company may require, to an amount not exceeding the capital stock of said company.

Officers.

Sec. 3. The officers of said company shall consist of a president, a board of three directors, including the president, who shall be one thereof; a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person ; and the said company

may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe : *Provided*, That one of the said directors shall, at all times be a citizen and resident of this state, upon whom service of all process against said company may be made, and such service shall be deemed a valid service as against the said Albion Mining Company.

Sec. 4. The said company shall pay to the Treasurer of the state State tax. of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be in lieu of the state tax upon the real estate, and of all taxes upon the personal estate of said company, and shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company ; and for that purpose the president and secretary of said company shall, on the first day of January in Annual report. each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also, the whole amount of money which at any time has been borrowed by said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the State Treasurer accordingly.

Sec. 5. The legislature may at any time, alter, amend or repeal this Repeal, &c. act for any violation of the provisions of this charter ; and it shall not be lawful for said company to use their funds or any part thereof in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those herein particularly specified.

Sec. 6. The first meeting of said company shall be held at such 1st meeting. time and place as the persons named in the first section, or a majority of them shall appoint by a notice to be published in one or more newspapers in each of the cities of Detroit and New York, at least thirty days before the time of such meeting.

Sec. 7. Said company shall be subject to the provisions of chapter

General provisions. fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same are applicable and not inconsistent with the provisions of this act.

Lien of inhabitants. Sec. 8. Any inhabitant or laborer, and citizen, who may have been in the actual employment of said company within this state, shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Duration of charter. Sec. 9. This act shall take effect from and after its passage, and shall continue for thirty years thereafter.

Approved March 27, 1848.

No. 117.

AN ACT to amend chapter ninety and section one hundred and thirty-four of the revised statutes.

Revised statutes amended. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That whenever it shall be made to appear to the court that it will be manifestly for the interest and advantage of any infant or infants that any incumbrance upon the real estate of such infants should be purchased and discharged, in whole or in part, the court may authorize the guardian of such infants to purchase and discharge the same, and if necessary, to sell and dispose of such part of the real estate of such infants as may be necessary for that purpose: *Provided,* Such purchase and discharge shall in no way be construed as vesting in said guardian any right, title or interest in such premises, to the prejudice of such infants.

Sec. 2. This act shall take effect from and after its passage.

Approved March 27, 1848.

No. 118.

AN ACT to amend an act to provide for the recording of town plats and for vacating the same in certain cases, approved April 19, eighteen hundred and thirty-nine.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section one of an act to provide for the recording of town plats and for vacating the same in certain cases, approved April 19th, eighteen hundred and thirty-nine, be so amended that it shall read as follows : Act amend-
ed.

“Be it enacted by the Senate and House of Representatives of the state of Michigan, That whenever any lands shall be hereafter laid out within this state as a town or village, or as an addition to any town, village or city, the proprietors of such lands shall cause a true map or plat thereof to be recorded in the office of the register of the county where the same lies before any lot or lots therein be offered for sale ; and if any person or persons shall sell any lot or lots laid out as aforesaid, before the same be recorded as aforesaid such person or persons shall forfeit and pay the sum of fifty dollars for every lot so sold ; and that in all cases wherein any lands have been heretofore laid out as a town or village, or as additions to any town, village or city, and the proprietor or proprietors thereof have sold any lot or lots therein, and shall, after the term of nine month from the passage of this act neglect or refuse to have the same duly acknowledged and recorded according to the provisions of the act to which this is amendatory, such person or persons shall forfeit and pay a sum not less than fifty dollars, nor exceeding two hundred dollars, in the discretion of the court, for each and every year of such neglect or refusal.”

Ibid.

Sec. 2. That the three last lines of section eight of said act be stricken out, and the following added thereto :

“They shall be paid over to the plaintiff prosecuting for the same ; and in case no individual prosecutes for the same, it shall be the duty of the prosecuting attorneys of the respective counties, in all cases of the failure of the proprietor or proprietors of any lands laid out as aforesaid, to comply with the provisions of this act, to prosecute such proprietors on behalf of their respective counties for the penalties herein prescribed.”

Ibid.

Sec. 3. That an additional section be added to said act as follows :

" Sec. 9. That in all cases where plats of any town or village, or additions to any town or village are now filed in the registers office of the respective counties, and such plats have been so filed by the proprietor or proprietors, their agent or attorney, and the same have not been duly acknowledged and recorded as provided by the act to which this is amendatory, it shall be the duty of the county register in which the lands so laid out are situated, to record the same as provided in said act, and when so recorded the said plat shall be as valid and effectual for the purposes of the assessment, collection and return of taxes, and of the sale of said lands which may be delinquent in the payment thereof as though the same had been duly acknowledged and recorded according to the provisions of the act to which this is amendatory, and the said registers shall receive for the services rendered under the provisions of this act such sums as the boards of supervisors of their respective counties shall deem reasonable, to be paid from the treasurer of the county.

Approved March 27, 1848.

No. 119.

AN ACT for the improvement of the Bellevue and Waterloo state road, in the county of Eaton.

Certain non-resident highway taxes appropriated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That, for the purpose of improving so much of the Bellevue and Waterloo state road as lies within the townships of Kalamo and Carmel, there is hereby appropriated all the non-resident highway taxes of the year A. D. eighteen hundred and forty-seven, as shall remain unexpended on the first day of May next, and for four years next thereafter, for the distance of two miles from the centre of that portion of said road so to be improved on the east side thereof, and for the distance of one mile from the centre of said portion of said road on the west side thereof: *Provided*, Nothing herein contained shall in any manner interfere with the operation of any law heretofore passed for the improvement of the Clinton road, or the Marshall and Ionia state road.

E. D. Lacy,
special commissioner.

Sec. 2. For the purpose of carrying into effect the provisions of this act, Edward D. Lacy is hereby appointed a special commissioner,

who shall be governed by the same laws, as far as the same may be applicable, in expending all moneys that may be subject to his control by the provisions of this act, as are now or may hereafter be in operation for the government of township highway commissioners.

Sec. 3. It shall be the duty of said special commissioner, before entering upon the duties of his office, to take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county, and deliver to the county treasurer of Eaton county a bond in the penal sum of one thousand dollars, with two good and sufficient sureties, to be by him approved, conditioned for the faithful performance of all the duties imposed upon him by virtue of this act; and in default thereof, it shall be the duty of said county treasurer to prosecute the same in the same manner as bonds are prosecuted against county officers. ^{Duties of com'r.}

Sec. 4. It shall be the duty of said special commissioner, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the county treasurer, who shall thereupon open an account with the Bellevue and Waterloo state road fund, and credit to said fund all moneys then in his hands, or which may hereafter be paid into his office as non-resident highway taxes upon any of the lands described in said list, and charge said fund all moneys which may be drawn from said fund by said special commissioner. ^{Ib.}

Sec. 5. It shall be the duty of said special commissioner, in payment for any labor performed or materials furnished, in the improvement of said road, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon (for the amount due such person or persons,) upon the Bellevue and Waterloo state road fund, and it shall be the duty of the county treasurer to pay the same out of any moneys to the credit of said fund, and charge the same as provided in section four of this act. ^{Ib.}

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 27, 1848.

No. 120.

AN ACT to lay out a state road in the counties of Montcalm and Kent.

**Commission-
ers named.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Thomas Addison, George Miller and Ethan Satterlee be and they are hereby authorized and empowered to lay out and establish a state road, beginning at the quarter post on the north line of section seventeen, in township numbered nine
Route of road north, of range number eight west, thence on the most direct and eligible route to Grand River, at or near Parker's ferry, in the township of Plainfield, in the county of Kent, thence to the village of Grand Rapids in said Kent county.

**Com'rs to
file survey,
&c.** Sec. 2. The above named commissioners shall file so much of the survey of the above mentioned road in the office of the township clerk of each township through which the said road shall pass as shall be laid out in such township, and it shall be the duty of the several township clerks to record the same in their respective township books, and post the notice required by law : *Provided*, The decision of the said commissioner in regard to the laying of said road may be appealed from, as in case of the laying out of roads by the highway commissioners of the several townships.

**Duty of
com'r of
highways.** Sec. 3. That it shall be the duty of the commissioners of highways in the several townships through which said road may pass to open and work said road in the same manner and by virtue of the same law as township roads are required to be opened and worked.

**State not li-
ble for dam-
age or ex-
pense.** Sec. 4. The state shall not be liable for any expense incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 27, 1848.

No. 121.

AN ACT to incorporate the Howell Academy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Josiah Turner, F. C. Whipple, Elijah F. Burt, Alvan Isbell, Gardner Wheeler, Geo. W. Lee, John Kenyon, Jr., Almon Whipple and Edward E. Gregory, together with such other persons as may be associated with them and may become stockholders of the incorporation hereby created, shall be and they are hereby constituted and declared a body corporate and politic, by the name and style of "Howell Academy," and in their corporate name may sue and be sued, defend and be defended, in all courts of this state; may have a common seal, which they may renew or change at pleasure; and shall have, enjoy and exercise all the powers, rights and privileges which appertain to corporate bodies for the purposes expressed in this act.

Howell academy incorporated.

Sec. 2. The capital stock of said corporation shall not exceed ten thousand dollars, and shall be divided into shares of five dollars each.

Capital.

Sec. 3. The said corporation hereby created shall be capable in law of acquiring and holding, by purchase, gift, grant, bequest or otherwise, and of selling and conveying or leasing any estate, real, personal or mixed, for the purposes mentioned in this act and none others; and the trustees thereof and their successors in office shall have full power to make and enter into contracts, to establish rules and by-laws as they may deem necessary for the good government of the said academy, and for the holding and disposing of its property and effects for the purposes mentioned in this act, not inconsistent with the constitution and laws of this state.

Powers and purpose of incorporation

Sec. 4. There shall be nine trustees of the said corporation, who shall be stockholders thereof, and who shall manage and control all the affairs of the same, maintaining perpetual succession; three of whom shall be elected at the annual meeting in each year, to fill the vacancy of a like number whose term of office shall expire upon the election of their successors; and the persons named in the first section of this act shall be the first trustees; and the said nine trustees shall, at their first meeting, proceed to cast lots for the terms of one, two and three years, by drawing numbers; and the three persons who shall draw the

Trustees, powers and duties; their classification &c.

three highest numbers shall hold their office for the term of three years from and after the first day of January, one thousand eight hundred and forty-eight ; and the three persons who shall draw the next three highest numbers shall hold their office for the term of two years from and after the first day of January, one thousand eight hundred and forty-eight ; and the remaining three persons shall hold their office for the term of one year from and after the first day of January, one thousand eight hundred and forty-eight.

**Meetings of
stockholders**

Sec. 5. There shall be a meeting of the stockholders of said corporation on the first Monday of January, one thousand eight hundred and forty-nine, and on the first Monday in January in each succeeding year, at some convenient place in the village of Howell, to be designated by the by-laws of said corporation ; and a majority of the stockholders who shall meet in person or by proxy shall elect three of the stockholders to be trustees in the place of those whose term may expire, each person being entitled to one vote for each share he may hold in his own right or by proxy.

Officers.

Sec. 6. The said trustees shall have power to choose from their own number a president, treasurer and secretary, who shall hold their offices during the pleasure of the said trustees ; and in case any of the trustees shall die, resign, refuse or neglect to act, the remaining trustees may, within thirty days after any such vacancy shall occur, elect by ballot other trustees of stockholders of said corporation to fill such vacancy.

**Subscriptions
to capital
stock.**

Sec. 7. The said trustees are authorized to receive subscriptions for shares to the capital stock of said corporation, and such shares shall be assignable and transferable agreeably to such by-laws as the said trustees shall from time to time establish, and shall in law be considered personal property.

**Trustees to
establish a
academy at
Howell.**

Sec. 8. The said trustees are hereby empowered and authorized to establish in the township of Howell in the county of Livingston, an institution for the instruction of young persons in the various branches of literature, science and the arts, and shall faithfully apply the funds by them from time to time received under the provisions of this act, in providing suitable buildings, employing professors and teachers, procuring books, maps, philosophical and other apparatus necessary to insure a successful prosecution of study in said institution.

Sec. 9. The said trustees shall, at least ten days previous to each annual election of trustees as aforesaid, cause a list of the names of all the trustees and stockholders of said corporation, together with a statement of the amount of stock owned by each, duly authenticated by affidavit, to be filed in the office of the county clerk of the county of Livingston, and the said list and statement shall be prima facia evidence that the individuals therein named are the trustees and stockholders of said corporation, and that the statement of the stock is the amount owned by each individual respectively.

List of trustees and stockholders to be published annually.

Sec. 10. That said academy shall be subject to the annual visitation of the superintendent of public instruction, and the trustees of said academy shall annually, on or before the twelfth day of October in each year, make to said superintendent a full report of the literary and pecuniary condition of said academy.

Annual visitation of academy.

Sec. 11. In case it shall at any time happen that an election of trustees shall not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved, but it shall and may be lawful to assemble on any other day to hold an election for trustees, in such manner as shall be provided by the by-laws and ordinances of said corporation.

Election of trustees in certain cases

Sec. 12. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six so far as the same may be applicable.

Subject to gen'l provisions relative to corporations.

Approved March 27, 1848.

No. 122.

AN ACT to amend section five of chapter twenty of the revised statutes of eighteen hundred and forty-six, in relation to the assessment of taxes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five of chapter twenty of the revised statutes of eighteen hundred and forty-six be and the same is hereby amended by striking out the first subdivision of said section.

Revised statutes amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1848.

No. 123.

AN ACT to incorporate the Douglas Houghton Mining Company.

Incorporat'n Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Elon Farnsworth, Henry Ledyard, C. C. Douglas, John R. Grout, and others who shall become associated with them, are hereby constituted a body corporate by the name of the Douglas Houghton Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan.

Capital and real estate. Sec. 2. The said company shall have corporate succession ; its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the capital stock of said company.

Officers. Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Douglas Houghton Mining Company.

Annual tax. Sec. 4. The said company shall pay to the treasurer of the state an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company, and for that purpose, **Annual report.** the president and secretary thereof, shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any

time has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes upon the real estate of said company ; and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer herein before required.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section or any two of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting. ^{1st meeting of company}

Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company. ^{Lien of inhabitants of this state.}

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same shall be applicable. ^{General provisions.}

Sec. 8. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct. ^{Business office.}

Sec. 9. This act shall take effect and be in force for thirty years from and after its passage : *Provided*, That the provisions of this act shall not be construed so as to extend to or bestow upon the said company any banking powers or banking privileges : and it shall not be lawful for said company to use their funds or any part thereof in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act. ^{Duration of charter, repeal of same, &c.}

Approved March 27, 1848.

AN ACT to incorporate the Eagle Harbor Mining Company.

Incorporat'. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel A. Hastings, Lewis Hall, William A. Howard and Henry Doty, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Eagle Harbor Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan: *Provided*, That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges whatever, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any stock whatever, or for any other purposes than those herein particularly specified.

Capital stock &c. Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the capital stock of said company.

Officers. Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the **Mode of assessment on shares, &c.** shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Eagle Harbor Mining Company.

State tax—annual report requir'd Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall

be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company ; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all other state taxes on the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required : said tax shall be secured and paid agreeably to the laws of this state.

Sec. 5. This act shall take effect and be in force for thirty years Duration of charter. from and after its passage.

Sec. 6. The first meeting of said company shall be held at such 1st meeting. time and place as the persons named in the first section, or any two of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 7. Any inhabitant of this state shall have a lien upon the stock, Lien of inhabitants of this state. appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Sec. 8. Said company shall be subject to the provisions of chapter Subject to general laws fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Sec. 9. The said company shall, within six months after the first Business office. election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other

meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Approved March 27, 1848.

No. 125.

AN ACT to amend an act entitled an act to authorize the Supervisors of the county of Kent to construct a canal and locks around the Rapids of Grand River at Grand Rapids, approved February 20, 1847, and the act amendatory thereto, approved 29th January, 1848.

Act amend-
ed.

3 special
commission-
ers to be ap-
pointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of carrying out in a more prompt and efficient manner the object specified and provided for in the act to authorize the supervisors of the county of Kent to construct a canal and locks around the Rapids of Grand River at Grand Rapids, approved February 20, 1847, and in the act amending the same, approved 29th January, 1848, all the powers and duties now devolved upon the said board of supervisors, are hereby conferred upon three commissioners, to be appointed by the Governor, one of whom shall be a resident of the county of Ionia, and the other two shall be residents of the county of Kent, who shall severally, before entering upon the duties of said office, take and subscribe the constitutional oath of office, and shall jointly execute a bond with sufficient sureties to be approved by the Auditor General, in the penal sum of ten thousand dollars, and conditioned for the due and faithful discharge of their duties: *Provided*, That the powers and duties hereby conferred upon said commissioners shall, upon the completion of the canal and works specified in the acts hereby amended, cease as to said commissioners, and revert to the said board of supervisors, and be by said board thereafter fully enjoyed and exercised: *And provided further*, That all the acts and doings of the said board of supervisors up to the date of the appointment by the Governor of said commissioners, shall remain and be deemed as valid and effectual as though this act had not been passed.

Powers and
duties of
such com-
missioners.

Sec. 2. The commissioners hereby required to be appointed in virtue of the powers thus to be conferred upon them, shall have the full and entire control and management of the construction and comple-

tion of said canal and works specified in the act hereby amended, being limited only by the time, manner, mode of construction, size and dimensions of the canal and locks, and the depth of water therein, and may, in the exercise of said powers, in their discretion, resurvey and relocate the said canal on either side of the river, and modify the subsisting contract or make new ones for the completion of said works, and generally perform all such acts as it might be lawful for the said board of supervisors to do and perform by virtue of the powers conferred upon them by the acts hereby amended.

Sec. 3. The said commissioners, for the services to be rendered by them, shall receive a compensation of not exceeding one dollar and fifty cents per day for the time necessarily employed by them, to be audited and allowed by the board of supervisors of the county of Kent, and payable out of the proceeds of the appropriation made by the act first above mentioned. Their compensation.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1848.

No. 126.

AN ACT to incorporate the Medora Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George C. Bates, Orville B. Dibble, and Chauncey Bush, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Medora Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals, in the upper peninsula of Michigan. Medora mining co. incorporated.

Sec. 2. The said company shall have corporate succession; and its capital stock shall be two hundred and fifty thousand dollars, divided into shares of fifty dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the said company may require, to an amount not exceeding the capital stock of said company. Capital stock real estate, &c.

Sec. 3. The officers of said company shall consist of a president,

Officers. a board of five directors, including the president, who shall be one thereof, a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe.

Assessment on shares.

State tax. Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said state tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state tax on the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the State Treasurer accordingly: said taxes to be secured and collected agreeably to the laws of this state.

Annual report.

1st meeting. Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority of them shall appoint, by a notice to be published in one or more newspapers in each of the cities of Detroit and New York, at least thirty days before the time of such meeting.

Subject to general provisions of rev statutes. Sec. 6. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same are applicable and not inconsistent with the provisions of this act.

Lien of inhabitants. Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars each against said

company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Sec. 8. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct. Business office.

Sec. 9. This act shall take effect from and after its passage, and continue in force for thirty years therefrom: *Provided*, That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges. Duration of charter.

Approved March 28, 1848.

No. 127.

AN ACT to incorporate the Ontonagon Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John V. Watson, John L. Whiting and John Kenzie, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Ontonagon Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the Upper Peninsula of the state of Michigan. Ontonagon mining co. incorporated

Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of said company may require, to an amount not exceeding the capital stock of said company. Capital and real estate.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on Officers. Assessments on stock.

the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided*, That one of the directors of said company shall, at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Ontonagon Mining Company of Michigan.

State tax.

Annual report.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company ; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also, the whole amount of money which at any time has been borrowed by said company ; and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company ; and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required.

1st meeting.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them, shall appoint by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of inhabitants.

Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgment or decrees, liens or mortgages against said company.

Sec. 7. Said company shall be subject to the provisions of chapter

fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable. General provisions.

Sec. 8. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct. Business office.

Sec. 9. This act shall continue in force for thirty years from and after its passage: *Provided*, That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges; and it shall not be lawful for said company to use their funds or any part thereof in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act. Duration of charter.

Approved March 28, 1848.

No. 128.

AN ACT to incorporate the Monroe Manufacturing Company, in the county of Monroe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William V. Studdiford and Daniel S. Bacon, and their successors and associates, are hereby created, for the term of fifty years, a body corporate, by the name of the Monroe Manufacturing Company, for the purpose of manufacturing woollens, and woolen and cotton cloths, in the township or city of Monroe, and county of Monroe, capable of executing all the powers, entitled to all the privileges, subject to all the duties and liabilities specified in chapter fifty-five of the revised statutes. Incorporation.

Sec. 2. Said corporation shall have a treasurer, who shall be a resident of this state, and upon whom service of any process against said company may be made, and the same shall be deemed a valid service thereof upon said Monroe Manufacturing Company in the county of Monroe, and such other officers and agents as the members of the Officers.

No. 129.

AN ACT to incorporate the North American Mining Company of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Gurdon Williams, Horace C. Thurber, Alfred Williams and others who shall become associated with them, are hereby constituted a body corporate, by the name of the North American Mining Company of Detroit, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan. Incorporat'n

Sec. 2. The said company shall have corporate succession ; its capital stock shall be three hundred thousand dollars, divided into shares of fifty dollars each ; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as the business of the company may require, to an amount not exceeding the capital stock of said company. Capital stock

Sec. 3. The officers of said company shall consist of a president, a board of seven directors, of whom the president shall be one ; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person ; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said North American Mining Company of Detroit. Officers. Assessments on shares.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed on the last preceding report of said company ; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer verified by their several oaths, stating the amount which has been actually paid in on the stock of said com- State tax.

pany ; and also, the whole amount of money which at any time has been borrowed by said company ; and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company ; and any investment of any portion of the nett profits of said company in the business of said company shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required. Said tax to be secured and collected agreeably to the laws which may from time to time be in force in this state.

Repeal, &c. Sec. 5. The legislature may at any time, alter, amend or repeal this act for any violation of the provisions thereof.

1st meeting. Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority of them, shall appoint by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of individuals. Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

General provisions. Sec. 8. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Business office. Sec. 9. The said company shall, within six months after the election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State a certificate specifying the place of such location ; and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Duration of charter, &c. Sec. 10. This act shall take effect and be in force for thirty years from and after its passage : *Provided*, Nothing herein contained shall be so construed as to confer on said company any banking powers or banking privileges, nor to use their funds or any part thereof in brokerage or exchange, in dealing in money or bank notes, or in the pur-

chase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those herein particularly specified.

Approved March 28, 1848.

No. 130.

AN ACT to authorize Lois Youngs, widow of Dorastus Youngs, to to sell certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Lois Youngs, widow of Dorastus Youngs, late deceased, be and she is hereby empowered and authorized to sell at private sale or at public auction, the north east fraction of section number eight in township number five south of range two east, in the county of Lenawee, containing fifty-one and nineteen-hundredths of an acre of land; and on such sale to make all necessary conveyance to any purchaser or purchasers of the same, which conveyance, after being duly acknowledged, may be recorded in the register's office of the county where said lands are situated: *Provided,* the judge of probate of the county for Jackson shall approve of the sale of said lands, and endorse his approval of the sale on the deed conveying said land.

Lois Youngs
authorized
to sell cer-
tain lands.

Provide.

Sec. 2. Before the lands mentioned in the first section of this act shall be sold and conveyed, the said Lois Youngs shall execute and deliver to the judge of probate of Jackson county, a bond with at least one sufficient surety, conditioned that she will faithfully apply two-thirds of the proceeds thereof for the support, maintenance and education of the minor children of Dorastus Youngs deceased.

Bond to be
given.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1848.

No. 131.

AN ACT to amend an act entitled "an act to incorporate the Cottonwood Swamp Turnpike Company," approved March 9th, 1844, and the act to amend said act, approved March 24th, 1845.

Section 1. *Be it enacted by the Senate and House of Representa-*

Act amend-
ed.

tives of the State of Michigan, That section fifteen of an act entitled "an act to incorporate the Cottonwood Swamp Turnpike Company," approved March 9th, 1844, and section three of the act to amend said act, approved March 24th, 1845, be struck out, and the following inserted in the place of said sections : "Said corporation is hereby required to commence said work within one year, and to complete the same within eight years, and said company shall have no rights or privileges to such parts of said road as shall not be completed within said eight years ; and the charter of said company may be altered or amended by a vote of two-thirds of both branches of the legislature."

Approved March 28, 1848.

No. 132.

AN ACT appropriating certain internal improvement lands for the purpose of improving a state road leading from the village of St. Joseph, in Berrien county to the village of LaGrange in the county of Cass.

3000 acres
int. imp land
appropriat'd

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That three thousand acres of the internal improvement lands belonging to this state, be and the same are hereby appropriated for the purpose of opening and improving a state road leading from the village of St. Joseph, in the county of Berrien, to the village of Lagrange, in the county of Cass, as laid out by authority of an act entitled an act to provide for the laying out and establishing certain state roads, approved April first, eighteen hundred and forty ; fifteen hundred acres of said lands shall be applied in opening and improving that portion of said road lying in the county of Berrien, and the remainder of said lands upon that portion of said road lying in the county of Cass.

Special com-
missioner
appointed.

Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a special commissioner, who shall, before entering upon the discharge of the duties devolved upon him by the provisions of this act, take and subscribe the constitutional oath of office, and shall file a bond with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Sec. 3. The said special commissioner shall, by virtue of his ap- Powers of com'r.
pointment, have the control and management of the improvements contemplated by this act, and shall have power to let out by contract the working and improving of said road to the lowest bidder or bidders, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work stipulated in said contracts: *Provided*, That before such letting, the said commissioner shall advertise for proposals for opening and improving said road, or any part of said road, in separate sections describing the same; such advertisement to be published four successive weeks in a newspaper published at Cassopolis in said county of Cass.

Sec. 4. Whenever any contractor, under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or if any service shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractors for any such services, by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands, which warrants shall be received at the land office in payment for any internal improvement lands not otherwise appropriated: *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a less price than one dollar and twenty-five cents per acre, or a less quantity in any one certificate of sale than forty acres. Payment of contractors and others.

Sec. 5. The said commissioner shall cause an accurate survey and map of so much of said road within the limits of each township as has not been surveyed and recorded to be filed in the office of the proper township clerk or clerks, who shall record the same in the manner now provided by law for recording public highways. Map and survey to be filed.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch compatible with proper economy and best interests of the state, and shall receive for his services a sum not exceeding two dollars a day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from the said appropriation hereinbefore made, and shall render to the Auditor Compensation of special com'r, his acc't audited by Aud. Gen'l.

General an account of all services by him thus rendered, verified by his oath, who shall thereupon issue his warrants for the amount drawn against and payable in internal improvement lands included in the above appropriation.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 28, 1848.

No. 133.

AN ACT appropriating certain internal improvement lands for improving a certain road in the county of Ottawa, and for building a bridge and causeway at Grand Haven in said county.

2000 acres int.
imp. land ap-
propriated
on certain
road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That two thousand acres of internal improvement lands be and they are hereby appropriated for the purpose of laying out and improving a certain road from section twenty-eight in town eight north of range thirteen west, to Hopkins Mills in the township of Norton, on the most feasible route.

2000 do on
cert'n bridge
and cause-
way.

Sec. 2. In addition to the above, two thousand acres are hereby appropriated from the internal improvement lands, for the purpose of constructing a bridge and causeway over the bayou and flats between the village of Grand Haven and the said Hopkins' Mills, (known as Mill Point.)

Spec'l com'r
to be ap-
pointed.

Sec. 3. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a special commissioner to make a selection of the lands hereinbefore appropriated, and to report such selection to the Commissioner of the State Land Office, who shall thereupon reserve the same from sale, issuing no certificate for any tract or parcel thereof except upon the order or certificate of said special commissioner.

Powers and
duties of
com'r.

Sec. 4. The said special commissioner shall in virtue of his appointment have the control and management of the several improvements in this act specified, and shall have power to let out by contract the building of said bridge and causeway and the opening and working of said road to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties to be approved

by him, and conditioned for the due performance of the work stipulated in the contract: *Provided*, That before such letting, the said commissioner shall advertise for proposals for constructing said bridge, causeway and road, or either of them; such advertisement to be published for three weeks in a newspaper published at Grand Rapids in the county of Kent.

Sec. 5. For the purpose of laying out, opening and improving said road, the said commissioner shall possess the power now conferred by law upon highway commissioners of the several townships through which said road shall be laid, and for settling and adjusting all claims for damages by persons interested in the lands through which said road shall be laid, he may apply to a justice of the peace of the proper township or an adjoining one, for the appointment of three appraisers, and the same proceedings shall thereupon be had in all respects, as are now provided by law for the settlement of like cases by highway commissioners.

Sec. 6. The said commissioner shall cause an accurate map and field notes of the survey of said road, or so much thereof as may be within the limits of each township and not run upon the line of an established road, to be filed in the office of the proper township clerk, who shall record the same in the manner now provided by law for public highways.

Sec. 7. Said commissioner shall proceed in the outlay of the appropriations made by this act, with all diligence and dispatch compatible with proper economy, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in discharging the duties devolved upon him by the provisions of this act, payable pro rata from the aforesaid appropriation, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath, and thereupon the Auditor General shall issue his warrant to the said special commissioner for the amount of such services, which shall be receivable by the Commissioner of the State Land Office for any of the lands selected and reserved from sale by virtue of this act.

Compensation of com'r and audit of his acc't, &c. 1

Sec. 8. Nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands for a less price than that now established by law for the sale of internal improvement lands,

or a less quantity in any one certificate of sale than the usual legal subdivisions of said lands.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 28, 1848.

No. 134.

AN ACT appropriating certain internal improvement lands for improving the navigation of the Kalamazoo river between the village of Allegan and Lake Michigan.

4000 acres of
int. imp. land
appropriated
on Kalama-
zoo river.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That four thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving the navigation of the Kalamazoo River between the village of Allegan and Lake Michigan.

Special
commission-
er.

Sec. 2. That for the purpose of carrying into effect the provisions of this act, and of making a judicious outlay of the above appropriation, the Governor is hereby authorized to appoint a special commissioner, who shall have the general supervision and management of the same, and who shall, before entering upon the discharge of his duties, take and subscribe the constitutional oath of office, and file with the Auditor General a bond to be by him approved, conditioned for the faithful discharge of his duties as such commissioner.

Powers and
duties of
com'r.

Sec. 3. The said special commissioner shall direct and control the work to be performed under the provisions of this act, in person, so far as the same may be practicable, and shall have full power to employ laborers and purchase all the requisite materials, and if any contracts are let by him, they shall be for limited amounts and conditioned for the resumption of the job by said commissioner upon the failure on the part of the contractor to comply with the stipulations of the contract, and the labor shall be performed under the immediate supervision of said commissioner.

Payment of
contractors,
&c.

Sec. 4. Upon the completion of any such job, and in payment therefor according to the terms of the contract, and also in payment for any services rendered, labor performed or materials purchased, the said commissioner is hereby authorized to issue his orders upon

the Auditor General for warrants drawn against and payable in internal improvement lands ; and the same shall be receivable at said land office at par, in payment, at the price established by law, for any internal improvement lands not reserved from sale or otherwise appropriated : *Provided*, That the aggregate amount of said orders shall not exceed the amount of the above appropriation, at one dollar and twenty-five cents per acre : *And provided further*, That the said commissioner of the land office shall not issue a certificate for any parcel of said land less than a legal subdivision of the same.

Sec. 5. Said special commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and despatch compatible with proper economy, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable from the above appropriation ; and the said commissioner shall from time to time render to the auditor general an account of his services, verified by his oath, and the auditor general shall thereupon issue his certificate of such amount to said special commissioner, and the same shall be receivable at par by the commissioner of the state land office in payment for internal improvement lands included in the above appropriation.

Compensation of com'r and audit of his accounts.

Approved March 28, 1848.

No. 135.

AN ACT appropriating certain internal improvement lands for the benefit of the Holland Collony and settlers now settling in the counties of Saginaw and Tuscola.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That three thousand acres of internal improvement lands be and they are hereby appropriated for the purpose of laying out, opening and improving certain roads in the counties of Saginaw and Tuscola, for the benefit of the Holland Colony already formed and settled in the counties of Saginaw and Tuscola ; said roads to be severally laid out upon the most eligible routes from the village of Vienna and from the city of Saginaw respectively, and to be terminated at such point or points within the limits of the present

3000 acres int. imp. lands appropriated.

settlement of said Holland Colony, as shall be deemed most conducive to the best interests of said Colony : *Provided*, That one-half of the said lands, or the avails thereof, shall be laid out and expended upon each of said roads respectively.

Special commissioner.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the State is hereby authorized to appoint a special commissioner to make a selection of the lands hereinbefore appropriated, and to report such selection to the commissioner of the state land office, who shall thereupon reserve the same from sale, issuing no certificate for any tract or parcel thereof, except upon the order of said special commissioner.

His powers and duties.

Sec. 3. The said special commissioner shall, in virtue of his appointment, have the control and management of the several improvements in this act specified, and shall have power to let out by contract the opening and working of said roads, to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond with sureties to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the contract : *Provided*, that before such letting the said commissioner shall advertise for proposals for the opening and working of said roads, or either of them; such advertisement to be published for three successive weeks in a newspaper published in the counties of Genesee and Saginaw respectively.

It.

Sec. 4. For the purpose of laying out, opening and improving said several roads, the said commissioner shall possess the power now conferred by law upon the highway commissioners of the several townships through which the roads or either of them shall be laid, and for settling and adjusting all claims for damages by persons interested in the lands through which said roads or either of them shall be laid, he may apply to a justice of the peace of the proper township or an adjoining one for the appointment of three appraisers, and the same proceedings shall be thereupon had in all respects as are now provided by law for the settlement of like cases by highway commissioners.

Map & field notes to be filed.

Sec. 5. The said commissioner shall cause an accurate profile map and field notes of the survey of said several roads, or so much thereof as may be within the limits of each township and not run upon the line of an established road, to be filed in the office of the proper township

clerk, who shall record the same in the manner provided by law for public highways.

Sec. 6. Whenever any contractor under the preceding sections of this act shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or if any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor for any such services, by his order drawn on the auditor general for warrants drawn against and payable in internal improvement lands; which warrants shall be received at the land office in payment for any unappropriated internal improvement lands belonging to the state: *Provided*, That nothing herein contained shall authorize the commissioner of the state land office to sell any of said lands at a less price than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate of sale than forty acres.

Payment of
contractors
and others.

Sec. 7. Said commissioner shall proceed in the outlay of the appropriations made by this act with all the diligence and despatch compatible with proper economy and the best interests of the State and the Holland Colony, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in discharging the duties devolved upon him by the provisions of this act, payable pro rate from the aforesaid appropriations; and upon the presentation of his account for such services, verified by the oath of said commissioner, the auditor general shall issue his warrants for the amount, payable in internal improvement lands from the above appropriations, which warrants shall be receivable by the commissioner of the land office for internal improvement lands not otherwise appropriated.

Compensation of com'r
his acc't to
be rendered
to Aud. General, &c.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 29, 1848.

. No. 136.

AN ACT to lay out, establish and improve the Benton and Vermontville state road in the county of Eaton.

Commissioner appointed to lay out state road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Hosey Hovey is hereby appointed a commissioner to lay out and establish a state road from the village of Vermontville east through the Wheaton settlement, in the township of Chester, and the Hovey settlement in the township of Benton, to a point on the Battle Creek and Michigan state road, within the township of Benton, who shall cause the survey bill of the same to be filed for record in the office of the several township clerks of the townships through which the same shall be laid out.

Non-resident highway taxes appropriated for said road.

Sec. 2. For the purpose of improving so much of the road to be laid out by section one of this act as runs through the townships of Chester and Benton, there is hereby appropriated all of the non-resident highway taxes of the year eighteen hundred and forty-seven, and for four years next thereafter for two miles each way from the centre of said road within the township of Benton, and for two miles from the centre of said road on the south side thereof, and one half mile from the centre of said road on the north side thereof within the township of Chester.

Special commissioner.

Sec. 3. For the purpose of carrying into effect the provisions of section two of this act, the above named Hosey Hovey is hereby appointed a special commissioner, who shall be governed by the same laws, as far as the same may be applicable, in expending all moneys that may be subject to his control by the provisions of this act, as are now or may hereafter be in operation for the government of township highway commissioners.

His powers and duties.

Sec. 4. It shall be the duty of said special commissioner, before entering upon the duties of his office, to take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county, and deliver to the county treasurer of Eaton county a bond in the penal sum of one thousand dollars, with two good and sufficient sureties, to be by him approved, conditioned for the faithful performance of all the duties imposed upon him by virtue of this act; and in default thereof it shall be the duty of said county treasurer to prosecute the same in the same manner as bonds are prosecuted against county officers.

Sec. 5. It shall be the duty of said special commissioner, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the county treasurer, who shall thereupon open an account with the Benton and Vermontville state road fund, and credit to said fund all moneys then in his hands, or which may hereafter be paid into his office as non-resident highway taxes upon any of the lands described in said list, and charge said fund all moneys which may be drawn from said fund by said special commissioner. ^{Ibid.}

Sec. 6. It shall be the duty of said special commissioner, in payment for any labor performed or materials furnished in the improvement of said road, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon (for the amount due such person or persons) upon the Benton and Vermontville state road fund ; and it shall be the duty of the county treasurer to pay the same out of any moneys to the credit of said fund, and charge the same as provided in section four of this act. ^{Ibid.}

Sec. 7. The above named commissioner shall be entitled to receive as compensation for any services rendered, in the discharge of any of the duties imposed on him by virtue of this act, a sum not exceeding one dollar and fifty cents per day, for the time employed in carrying out its provisions, and his account for the same verified by his oath, shall be audited by the board of supervisors of Eaton county, and paid out of any moneys to the credit of the above fund. ^{His compensation.}

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 29, 1848.

No. 137.

AN ACT to amend chapter twenty-seven of the revised statutes of eighteen hundred and forty-six, relative to the erection, repairing and preservation of bridges.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan;* That chapter twenty-seven of the revised statutes be amended by adding thereto the following sections, to stand as a part thereof : ^{Revised statutes amended.}

Repairs, &c.
of bridges.

Sec. 6. If any bridge over a stream intersected by a highway, in any township of this state, has been within the last year or shall hereafter be injured or destroyed by the occurrence of a freshet, or from any other cause, it shall be the duty of the highway commissioners of such township to proceed with all convenient despatch to repair or reconstruct such bridge, as the case may require, under the personal supervision of one of their number, or by letting a contract therefor under existing provisions of law : *Provided*, That application for such repairs or reconstruction shall first be made to such commissioners in writing, signed by at least twelve freeholders of the township, and verified by the oath of such applicants, that the public interest requires such repairs or reconstruction : *And provided*, That the sum to be expended for such repairs or reconstruction shall not in any one year exceed two hundred dollars in any one organized township.

Payment of
labor for the
same.

Sec. 7. In payment for the labor performed, materials furnished, and necessary expenses incurred, for the purpose in the last preceding section specified, the said highway commissioners are hereby authorized to draw and issue their orders upon the township treasurer, redeemable out of the proceeds of the tax to be levied and collected therefor in the manner provided by the following section.

Duty of town
clerk.

Sec. 8. For the purposes of levying and collecting such tax, the said highway commissioners shall furnish the township clerk with the amount of all the orders drawn by them for the objects aforesaid, on or before the first Monday of October thereafter ; and the said township clerk shall thereupon include such amount in the statement of moneys to be raised for township purposes, to be by him delivered to the supervisor, under the provisions of existing law.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 29, 1849.

No. 138.

AN ACT to incorporate the Leoni Seminary.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Wilder B. Mack, Jacob Sagen-
Incorporat'n dolph, Aaron Rowe, Abel Scott, Andrew Brown, 2d, William Jackson,

Benajah Bayne, Ira W. Kellogg, Mason Branch, Samuel Lapham, Jared Warner and Isaiah Raymond, of the State of Michigan, together with such other persons as may be associated with them, and their successors for that purpose, shall be and they are hereby constituted a body politic and corporate by the name and style of the Leoni Seminary, subject to the provisions relating to corporations contained in chapter fifty-five of the revised statutes of eighteen hundred and forty-six, and such amendments thereof as may from time to time be made by the Legislature.

Sec 2. The trustees shall have power, and they are hereby authorized to establish in the village of Leoni in the county of Jackson, an institution for the instruction of young persons in ancient or modern languages or literature, and the arts and sciences, and shall faithfully apply all funds received by them for that purpose, by subscription, bequest or otherwise, in providing suitable buildings, employing professors and teachers, procuring books, maps, philosophical and other apparatus necessary or proper for the successful prosecution of study in said institution.

Powers and duties of trustees.

Sec. 3. Said board of trustees shall be in law capable of acquiring and holding, by purchase, gift, grant, devise or bequest, or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, in value not exceeding the sum of twenty-five thousand dollars, for the use of said corporation, and no other, and shall be held liable for all debts as partners in trade, after the corporate property shall have been exhausted.

Ibid.

Sec. 4. The institution shall be subject to visitation at any time by the superintendent of public instruction, and the trustees shall annually, on or before the 20th day of October, in each year, make to the superintendent a full report of the literary and pecuniary condition of said institution.

Annual visitation. Annual report.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 29, 1848.

AN ACT to regulate the issuing of certain land warrants by the Auditor General, and limiting the time within which the same shall be receivable at the State Land Office in payment for internal improvement lands.

Certificates and orders of all special com'rs on land appropriations for 1848 shall be presented to Aud. Gen'l, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all certificates or orders hereafter to be drawn by any special commissioner, to be appointed in virtue of any act appropriating internal improvement lands for the construction of any wharf, pier, canal, towing path or bridge, or for the laying out, opening and improvement of any roads, ditches or drains, or for improving the navigation of any river or other water course, which has already passed, and been approved, or shall hereafter be passed and approved, during the session of legislature for the year eighteen hundred and forty-eight, shall be presented to the Auditor General, who shall thereupon issue warrants for a like sum drawn against, and payable in internal improvement lands : *Provided*, That no lands shall be selected by virtue of any act passed at this session of the legislature appropriating any internal improvement lands from the upper peninsula of Michigan : *Provided also*, That the warrants issued as aforesaid shall, by their terms be receivable for lands in the lower peninsula only.

When order must be presented to Aud. Gen'l.

Sec. 2. Every certificate or order so to be drawn by any such special commissioner, in payment for any job, for services rendered, for laborers employed, for materials purchased or articles furnished, shall be presented to the Auditor General for such warrants within one year from the date thereof ; and if any such certificate or order shall not be so presented within the time in this section limited, then the same shall become void, and the claim upon which it is founded shall be annulled ; and all certificates and orders to be issued as aforesaid, shall contain upon their face a statement of the above limitation, as to the time within which they are required to be presented to the Auditor General for warrants.

When to be presented at state land office.

Sec. 3. Every warrant to be drawn by the Auditor General under said several acts of appropriation, and in pursuance of the provisions of the first section of this act, shall be presented at the state land office, and internal improvement lands selected therefor within the peri-

od of two years from the date of said warrants respectively, and the said warrants shall severally be forthwith surrendered up to the Commissioner of said office, who shall issue certificates of purchase in the usual form for the lands thus selected, subject to the restrictions prescribed by law ; in case the holder of any such warrant or warrants, shall neglect to present the same and select the lands as aforesaid within the time in this section prescribed, he shall forfeit all claim thereon and thereunder, and every such warrant shall become absolutely void ; and all such warrants shall contain upon their face a statement of the above limitation as to the time within which they will be receivable as aforesaid.

Sec. 4. It shall not be requisite for the several commissioners to be appointed in virtue of any act in this act referred to to select or return to the land office for reservation from sale any internal improvement lands, but in all cases where such selection and return is required by the terms of any such act, the special commissioner to be appointed thereunder, may exercise his own discretion as to the propriety and expediency of making or omitting to make such selection and return.

Special commissioner authorized thereto, may select lands, or omit selection, in their discretion.

Sec. 5. So much of any act as contravenes the provisions of this act is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 29, 1848.

No. 140.

AN ACT to establish a state road in the counties of Ingham, Genesee and Livingston,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Sanford Marsh, David Gorslime and Samuel Crossman be and they are hereby appointed commissioners to lay out and establish a state road, commencing at or near the house of Samuel Crossman in the county of Ingham, thence' on the most direct and eligible route to intersect the Detroit and Grand River Road at or near Okemos in said county of Ingham.

Com'rs to lay out road.

Sec. 2. The commissioners named in this act shall file the surveys

His duties. of so much of the above mentioned road, in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township, and it is hereby made the duty of the township clerks in the said townships, to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded, and post the notice required by the statutes upon the laying out of highways.

Com'r of highways. Sec. 3. That it shall be the duty of the commissioners of highways in the several townships through which said road shall pass, to open and work said road in the same manner, and by virtue of the same law, as township roads are required to be opened and worked.

State not liable for damage or expense. Sec. 4. The state shall not be liable for any expenses incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

Com'rs to alter state road Sec. 5. That Robert LeRoy, of Genesee county, Alonzo Slayton and Hiram Mapes, of the county of Livingston, be and they are hereby appointed commissioners, and they or a majority of them are authorized to alter and establish the state road from the village of Brighton in the county of Livingston, to Fentonville in Genesee county, or any part thereof, as established by certain commissioners under "an act to provide for laying a certain state road," approved March twenty-fourth, eighteen hundred and forty-five, and they are hereby required to file a survey of such alteration or alterations in the office of the township clerk in each township in which the same may be made, and it is hereby made the duty of the commissioners of highways in the several townships through which said road shall pass, to cause the same to be opened and worked as other highways are in their respective townships.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 29, 1848.

No. 141.

AN ACT authorizing the district board of school district number eleven, in the township of Coldwater in the county of Branch, to borrow a certain sum of money.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the district board of school district number eleven, in the township of Coldwater in the county of Branch, are hereby authorized to borrow, on the credit of said school district, at an interest of seven per cent. per annum, and for a term of years not exceeding ten, a sum of money not exceeding twenty-five hundred dollars, for the purpose of building a school house in said district, and the said sum so borrowed shall not be applied to any other use or purpose than in building said school house.

School dist. No. 11, authorized to borrow money.

Sec. 2. Whenever said district board shall have obtained said sum of twenty-five hundred dollars or any part thereof, for the purpose above specified, the same shall be paid into the treasury of the township of Coldwater, to be drawn by said board for the purpose above specified, in the same manner and under the same restrictions as is provided for in case of other money in the treasury, agreeably to chapter fifty-eight of the revised statutes.

Money borrowed to be paid into township treasury.

Sec. 3. That said district board are hereby authorized, and it is made their duty, to provide for the payment of such money, whether principal or interest, that may accrue under the aforesaid loan, in the same manner as is provided for in case of other contingent expenses of the district.

Dist. board to provide for payment of loan.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 29, 1848.

No. 142.

AN ACT to incorporate the Mariners' Church of Detroit.

Whereas, Julia Ann Anderson, late of Detroit, deceased, in and by her last will and testament, did give and devise a lot of land in the city of Detroit as a site for a church, to be called the Mariners' Church of Detroit, and did also, by and in the said instrument, give and devise other real and personal estate as a fund for the building and en-

Preamble.

dowing said church, and did therein authorize and direct her executors or trustees appointed by the said will, to procure,—on or before a certain time therein named, not yet expired,—the said church to be incorporated, giving corporate powers in the first instance to such persons as her said executors or trustees should name, with the right of succession, and with such rights, powers and duties, and under such regulations and restrictions as will best fulfil and carry into effect the true intent, design and meaning of said will ;

And whereas, The said executors or trustees, in pursuance of the directors of the said will, have nominated and appointed Charles C. Trowbridge, as one of the nine persons on whom said corporate powers shall in the first instance be conferred ; wherefore, for the purpose of carrying into effect the pious and benevolent intentions of the testatrix in that behalf,

Incorporat'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the said Charles C. Trowbridge, together with eight other persons hereafter to be named and appointed by said trustees in accordance with the provisions of said will, and their successors, be and hereby are incorporated as a body politic and corporate in deed and in law, by the name of the Trustees of the Mariners' Church of Detroit, and shall have a perpetual succession of members to be appointed in the manner hereinafter provided ; and shall have such officers and organization, not inconsistent with the provisions of said will, as may be prescribed by the rules and regulations of said corporation, and shall have a common seal, with power to break, alter, change and make anew the same ; and by its said name to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this state, and to make such rules and by-laws, not repugnant and contrary to the law of the land, for the benefit and advantage of the said corporation, and for the order, rule, good government and management of the concerns of said corporation, and for regulating the services of the said church, in a manner in accordance with the provisions of the will of the donor, and employing, appointing, maintaining or dismissing pastors or ministers—and the pews, seats or slips in said Mariners' Church shall remain forever free from any assessment or rental.

Powers and
privileges of
corporation.

Pews in
church to be
FREE.

Sec. 2. That the said corporation shall be able and capable in law

to have, hold and receive, by purchase, gift or devise, any lands, tenements or hereditaments of what kind or nature soever, and to sell, alien, exchange or lease the same or any part thereof, as they shall think proper; and all the lands, moneys, stock and other personal estate given and devised by the said will of the said Julia Ann Anderson for the use and benefit of said Mariners' Church, shall vest in and be subject to the control and disposition of the said corporation for the use and purposes in said will mentioned, and for no other use or purpose; and the said corporation shall have the power to sell, alien, exchange or lease the said lands or any part thereof, except the said lot of ground devised as a site for said church, which shall not be sold, aliened or exchanged, and to receive and possess the rents and income thereof, and to have, receive, possess and retain all the moneys, stocks and other personal estate, and all securities for the same, and the interest and proceeds thereof which are or may be in the possession of the said executors of the said will, and which by the said will are given or intended to be given for the use and benefit of said church. That all questions which may arise touching the construction of any of the provisions of said will regarding said Mariners' Church, and the intent of the testatrix, the execution of the powers therein conferred or otherwise, may be heard, tried and determined by the supreme court of this state, which court shall have full jurisdiction in the premises, on a bill in chancery or a petition being filed for that purpose, by any one or more of said executors, trustees or corporators, in which case the co-executors, trustees or corporators shall be made defendants, and none of said parties shall be rendered incompetent as a witness in any such suit by reason of being a party thereto.

Corporation may take, hold and convey real estate, &c.

Church lot may not be sold.

Sup court to hear and determine questions as to powers and duties of corporation, &c.

Sec. 3. That if any member of said corporation shall remove his residence to the distance of more than ten miles from the city of Detroit, or shall absent himself for one year from the meetings of said corporation, it shall be lawful for the said corporation to declare the place of such member to be vacated; and in any such case, as well as in the case of the death or resignation of any member, the surviving or remaining members of said corporation shall proceed to elect a suitable person to supply any such vacancy in their number.

Vacation of office.

Sec. 4. That the said corporation shall elect a treasurer, who shall, in all things observe and obey the orders, directions and regulations

Officers.

made and prescribed by said corporation in regard to the custody, safe keeping, disbursements of, and accounting for the money and other funds of the corporation, committed or coming into his hands, and shall be required to give a bond with sufficient surety or sureties, to be approved by the said corporation, for the faithful discharge of his duties ; and it shall be lawful for the said corporation at its pleasure, to require of the said treasurer new or increased security, and also to remove him and appoint another in his place whenever they may deem proper.

Majority
vote.

Sec. 5. That the said corporation, in the exercise of its powers, duties and functions, shall in all cases be governed by the vote and decision of a majority of the members thereof.

Sec. 6. That this act shall be given in evidence in the trial of any issue or cause, in any court of law or equity without special pleading.

Approved March 29, 1848.

No. 143.

AN ACT relating to depositions taken within this state.

Depositions
to be used
within this
state.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That depositions may be taken in the manner and according to the regulations provided in this act, to be used before any magistrates or other persons authorized to examine witnesses, in any other than criminal cases.

When may
be taken.

Sec. 2. When a witness whose testimony is required in any civil cause pending in this state, shall live more than thirty miles from the place of trial, or shall be about to go out of the state, and not to return in time for the trial, or is so sick, infirm or aged, as to make it probable that he will not be able to attend the trial, his deposition may be taken in the manner hereafter provided.

Notice of tak-
ing deposi-
tions.

Sec. 3. At any time after the cause is commenced by the service of process or otherwise, or after it is submitted to arbitrators or referees, either party may apply to the justice of the peace before whom any such cause shall be pending, or to the circuit court commissioner, or any judge of the county or circuit court, within any county in this state where said cause shall be pending before any arbitrators or referees, or before any probate court, circuit or county court in the proper

county, who shall issue a notice to the adverse party to appear before him, the said justice, commissioner or judge, if the said witness is in the county where the cause is pending, at the time and place appointed for taking the deposition, and put such interrogatories as he may think fit, or such notice may be given by such party, and served upon such adverse party, without any such direct agency of such justice, commissioner or judge. And in case the witness resides in any other county in this state, then the party wishing to take the deposition of any such witness, may give like notice to the adverse party to appear before any justice of the peace, circuit court commissioner or judge of the county or circuit court of any other county in this state, and put such interrogatories as he may think fit, upon the examination of said witness.

Sec. 4. The said notice may be served on the agent or attorney of ^{ibid.} the adverse party, and shall have the same effect as if served on the party himself.

Sec. 5. The notice shall be served by delivering an attested copy thereof to the person to be notified, or by leaving such copy at his ^{How served, time allow'd.} place of abode, if served by any officer authorized to serve a subpoena, and when served by the party, by delivering a true copy of such notice, verified by the affidavit of the party serving the same, allowing in all cases, not less than twenty-four hours after such notice before the time appointed for taking the depositions, and also allowing time for his travel to the place appointed after being notified, not less than at the rate of one day (the first day of the week excluded,) for every twenty miles travel.

Sec. 6. The written notice before prescribed may be wholly omitted ^{Notice may be waived.} if the adverse party or his attorney shall, in writing, waive the right to it.

Sec. 7. The deponent shall be sworn or affirmed to testify the truth, the whole truth, and nothing but the truth, relating to the cause for which the deposition is taken, and he shall then be examined by ^{Deponent to be sworn.} the person before whom he is brought, and by the parties, if they think fit, and his testimony shall be taken in writing.

Sec. 8. The party producing the deponent shall be allowed first to examine him, either upon verbal or written interrogatories, on all ^{Mode of examination of witness.} points which he shall deem material, and then the adverse party may

examine the deponent in like manner ; after which either party may propose such further interrogatories as the case may require.

Deposition
to be in writ-
ing.

Sec. 9. The deposition shall be written by the justice or by the deponent, or by some disinterested person, in the presence and under the direction of the justice, and it shall be carefully read to or by the deponent, and shall then be subscribed by him.

Certificate to
be annexed.

Sec. 10. The person taking the deposition shall annex to the deposition a certificate of the time and manner of taking it, the person at whose request, and the cause or suit for which it was taken, and the reason for taking it, and stating also whether the adverse party attended, and if not, returning with the said deposition the notice, if any, that was proved to the said justice to have been given to him.

Deposition,
how to be
disposed of.

Sec. 11. The deposition shall be delivered by the person taking the deposition to the court or arbitrators or referees, before whom the cause is pending, or shall be enclosed and sealed by him, and directed to them, and shall remain sealed until opened by the said court, arbitrators or referees.

When not to
be used.

Sec. 12. No such deposition shall be used, if it shall appear that the reason for taking it no longer exists : *Provided, however,* That if the party producing the deposition in such case shall shew any sufficient cause then existing for using the deposition, it may be admitted.

Objections
to compe-
tency of wit-
ness.

Sec. 13. Every objection to the competency or credibility of the deponent, and to the propriety of any question put to him, or of any answers made by him, may be made when the deposition is produced, in the same manner as if the witness were personally examined on the trial : *Provided,* That all objections to the competency of the witness on the ground of interest, shall in all cases be made at the time of taking such deposition, otherwise such objection shall not be allowed.

When depo-
sitions may
be used on
2d trial.

Sec. 14. When the plaintiff in any suit shall discontinue it or become nonsuited, and another suit shall afterwards be commenced for the same cause, between the same parties or their respective representatives, or when any suit shall be appealed, all depositions lawfully taken for the first suit or the suit below, may be used on the second or on the appeal, in the same manner and subject to the same conditions and objections as if originally taken for the second suit or on the appeal : *Provided,* The deposition shall have been duly filed in the court where the first suit is pending, or in the court below.

Sec. 15. The courts may, from time to time, make such rules as they shall find proper and convenient, as to the time and manner of opening and filing depositions, and the same [safe] keeping thereof, and any other regulations concerning the taking and using of the depositions, and the safe keeping thereof, which may not be inconsistent with the provisions of law.

Courts may make rules as to opening depositions, &c.

Sec. 16. Any witness may be summoned and compelled to give his deposition at any place within the township in which he resides, or within fifteen miles of the place of his abode, in like manner, and under the same penalties as he may be summoned and compelled to attend as a witness in any court.

When witness may be compelled to give deposition.

Sec. 17. Depositions of witnesses residing out of this State and in the United States or Canada, may be taken and used in suits and proceedings before justices of the peace, in the same manner and under the same regulations, as near as may be, as are prescribed in this act, in such cases for taking depositions of witnesses residing in this State; but in such cases a certificate under the official seal of the county clerk of the county where taken, or of the clerk of the principal court of record for said county, or some other proper county officer, shall be attached to the deposition, showing the official capacity in which the person acted before whom the deposition was taken.

Commissioners to take depositions out of the state.

Sec. 18. Any person who expects to be a party to a suit to be there- after commenced in any court of record, may cause the testimony of any witness material to him in the prosecution or defence of such suit, to be taken conditionally and perpetuated.

Perpetuating testimony.

Sec. 19. One of the causes mentioned in the second section of this act must exist to authorize such taking, and the deposition must be taken and certified before the same person, on the same notice and in the same manner as above provided for taking depositions in this state, and sealed up and delivered to the clerk of the county where taken, and so remain until ordered to be removed and opened by the court before whom such suit shall be pending, when it may be used, subject to any objection which could lie against it in case the suit had been pending at the time it was taken.

In what cases.

Sec. 20. Sections forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one and fifty-two, of chapter one hundred and two of the revised statutes, and the three sections added to said

Certain sections repeated.

chapter, after its seventeenth section, by act approved March seventeenth, eighteen hundred and forty-seven, are repealed, (saving any legal act done under them :) and this act shall take effect from and after its passage.

Approved March 29, 1848.

No. 144.

AN ACT authorizing Robert Palmer and Morris S. Allen to build a dam across Grand River in the county of Clinton.

Dam authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Robert Palmer and Morris S. Allen, their heirs and assigns, are hereby authorized and empowered to build a dam across the Grand River on section thirty, in township five north, of range four west: *Provided*, Said dam be built within three years from the time this act takes effect.

Description of dam, &c.

Sec. 2. That the said dam shall not exceed eight feet above common low water mark, and shall contain a convenient lock, at least seventy-five feet in length and sixteen feet in width, for the passage of all boats, barges, rafts or other water craft that may navigate said river, and shall be so constructed as to receive such boats and other water craft, in slack water of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam, for all the purposes of the navigation of said river at all times.

Duties of owners.

Sec. 3. It shall be the duty of the owners of said dam, at all times, to keep said lock in repair, and to pass any water craft through the dam, free of toll and without unnecessary delay ; and any person who shall be so detained shall be entitled to recover of the said owners double the amount for the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with costs of suit.

Trespass on dam.

Sec. 4. Any person who shall destroy or in any wise injure said dam or lock, shall have been deemed to have committed a trespass upon the owners thereof, and be liable accordingly.

Rights of persons reserved.

Sec. 5. Nothing herein contained shall authorize the individuals named in the first section of this act, their heirs or assigns, to enter

upon or flow or otherwise injure the land of any person or persons without the consent of such person or persons, and the legislature may at any time hereafter, alter, amend or repeal this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 30, 1848.

No. 145.

AN ACT to incorporate the Quincy Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Eurotas P. Hastings, James A. Hicks and Milo Soule, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Quincy Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals, in the upper peninsula of the state of Michigan. Quincy mi-
ning compa-
ny.

Sec. 2. The said company shall have corporate succession ; and its capital stock shall be two hundred thousand dollars, divided into shares of fifty dollars each, and said company may acquire and hold such real and personal estate in the state of Michigan, as the business of said company may require, to an amount not exceeding the capital stock of said company. Capital stock
&c.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof, a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe. Officers.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company; and for that purpose State tax—
annual re-
port requir'd

the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said state tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all other state taxes on the real estate of said company ; and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the State Treasurer accordingly.

1st meeting. Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit and the village of Marshall, at least thirty days before the time of such meeting.

Subject to general laws Sec. 6. Said company shall be subject to the provisions of chapter fifty-five, title ten of the revised statutes of A. D. eighteen hundred and forty-six, so far as the same are applicable.

Lien of inhabitants of this state. Sec. 7. The inhabitants of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Duration of charter. Sec. 8. This act shall continue in force for thirty years from and after its passage : *Provided*, That nothing in this act contained shall be so construed as to confer on said company any banking powers or banking privileges, or for any transaction in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act.

Approved March 30, 1848.

No. 146.

AN ACT to incorporate the New York and Michigan Mining Company of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Lucius Lyon, Henry Ledyard, Charles G. Hammond, Israel Coe and E. R. Collins, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the New York and Michigan Mining Company of Detroit, Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan. Incorporation

Sec. 2. The said company shall have corporate succession ; its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each ; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the capital stock of said company. Capital stock
real estate,
&c.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one ; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person ; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said New York and Michigan Mining Company of Detroit, Michigan. Officers.

Assessment
on shares.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company ; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their se- State tax.

Annual re-
port.

veral oaths, stating the amount which has been actually paid in on the stock of said company, and also, the whole amount of money which at any time has been borrowed by said company; and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company; and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required.

1st meeting.] Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them, shall appoint by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of inhabitants. Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company for claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgment or decrees, liens or mortgages against said company.

Subject to general provisions of revised statutes. Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Business of Soc. Sec. 8. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate.

Duration of charter. Sec. 9. This act shall continue in force for thirty years from and after its passage: *Provided*, That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges, or for any transaction in brokerage or exchange, in dealing in money or bank notes; or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act.

Approved March 30, 1848.

No. 147.

AN ACT to incorporate the Algonquin Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That William Hickok, Benjamin L. Webb, Charles Richmond, Asher S. Kellogg and H. Norton Strong, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Algonquin Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan. Incorporation

Sec. 2. The said company shall have corporate succession ; its capital stock shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the capital stock of said company. Capital and real estate.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person ; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided,* That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Algonquin Mining Company. Officers.
Assessments on stock.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed on the last preceding report of said company ; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock State tax.
Annual report.

of said company, and also the whole amount of money which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required : and such tax may be collected according to the provisions of law in such cases made and provided.

1st meeting Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of inhabitants. Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

General provisions. Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Business of Sec. Sec. 8. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Duration of charter. Sec. 9. This act shall take effect from and after its passage, and shall continue for thirty years : *Provided*, That nothing in this act contained shall be so construed as to confer on said company any banking powers or banking privileges, or authorize them to deal in brokerage, or to give any powers whatever, except for the purpose herein specified.

Approved March 30, 1848.

No. 148.

AN ACT to incorporate the Michigan Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Gideon O. Whittemore, Alfred J. Boss, Henry Pratt, Joseph R. Bowman and Don C. Buckland, and such persons as may become associated with them, be and are hereby constituted and declared to be a body politic and corporate, with corporate succession, capable in law of suing and being sued in any of the courts of this state, by the name of the Michigan Mining Company, for the purpose of mining, smelting and manufacturing ores and metals. Incorporat'n

Sec. 2. The capital stock of said company shall consist of three hundred thousand dollars, to be divided into six thousand shares of fifty dollars each. Capital stock

Sec. 3. The officers of said company shall consist of a board of five directors, one of whom shall be president, and one of whom shall be a citizen and resident of this state, and upon whom all process against said company may be served, and which shall be deemed a sufficient service upon the said Michigan Mining Company ; and such other officers as said board may appoint, pursuant to the by-laws of said company. Officers.

Sec. 4. Said board of directors shall hold their offices for one year, and until their successors shall be elected or appointed. Said board of directors shall be elected or appointed at such time and in such manner as the by-laws of the company shall prescribe. Any member of said board may be removed from his office, and his place may be filled in such manner as the by-laws shall prescribe, and the said company may make such rules, regulations and by-laws for the government of the company and the control of its officers and agents and for the conducting the business of the company, not inconsistent with the laws of this state, at any meeting of the stockholders thereof, as shall be deemed proper. All annual and other meetings of the company shall be called and held at such time, place and manner as the said company shall from time to time appoint, or as shall be prescribed by its by-laws. Said company shall have power to call in assessments upon the capital stock, and forfeit the said stock to the company for the non- Board of directors.
By-laws.
Annual meeting.
Assessments on shares.

payment of any such assessment, and to sell such shares as may be forfeited, in such manner as may be directed by its by-laws. Each share of stock in said company shall be entitled to one vote, and the holders thereof may vote by proxy.

Business of
Sec.

Sec. 5. The said company shall keep an office within this state for business, the location of which may be changed at the pleasure of the company, and when said office shall be established at any place, the president of said company shall, within one month thereafter, give notice thereof to the Secretary of State.

1st officers.
1st meeting.

Sec. 6. The five persons named in the first section of this act shall constitute the first board of directors, and Gideon O. Whittemore shall be the first president. The first meeting of said company shall be at such time in the village of Pontiac as any three of said board shall appoint, giving first two month's notice thereof in one or more newspapers printed in the county of Oakland.

State tax.

Sec. 7. The said company shall pay to the treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company, and for that purpose, the president and secretary thereof, shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company; which tax shall be in lieu of all the state taxes on the real estate of said company, and said tax shall be in lieu of all other taxes on the personal property of said company; and any investment of any portion of the nett profits of said company in the business of said company shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required.

Annual re-
port,

Lien of indi-
viduals.

Sec. 8. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take pre-

cedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Sec. 9. This act shall continue in force for thirty years from and after its passage : and nothing in this act shall be construed to confer on said company any banking powers or banking privileges, or for any transaction in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act ; and the said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six.

Duration of charter, &c.

Approved March 30, 1848.

No. 149.

AN ACT authorizing and requiring the Commissioner of the State Land Office to issue new certificates for school and university lands in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the state land office be, and he hereby is authorized and required, upon being satisfied that no injury can result to the particular trust fund to be affected thereby, whether the same be the university or school fund ; and upon the surrender of any original certificate of purchase of any university land, to issue one or more new certificates in lieu of said original ones, to the persons who shall exhibit to such commissioner satisfactory evidence of being entitled thereto, and upon receiving from any such person or persons the full amount of interest due upon such original certificate up to and including the last preceding annual payment required thereby.

Com'r to issue new certificates in certain cases

Sec. 2. At the time of issuing any such new certificates, the said commissioner shall endorse thereon the proper credits, pro rata, and of their proper dates for all payments of principal and interest moneys theretofore made upon the original certificate thus surrendered, and the interest upon such new certificate shall be computed from the last annual payment due on the original certificate.

Endorsements on new certificates, &c.

Sec. 3. The persons desirous of procuring such new certificate,

Applicant for
new certifi-
cate to pre-
sent affidavit
of supervis'r.

shall in every case furnish the said commissioner, as the basis of his action, with the certificate of the supervisor of the township in which the lands are situated, verified by his oath, that he is acquainted with the true condition, quality, quantity and location of said lands, and the proposed division of the same, and that in his opinion such division could be made without injury to the university or school fund, as the case may be; and the said commissioner may require any other evidence which he may deem necessary, and whenever the grantee of any deed duly executed by a sheriff, and conveying the right, title and interest of any person holding a certificate for any university or school lands, shall present such deed at the land office and shall tender the balance of principal and interest due upon any such certificate, as the same shall appear from the books of said office, the commissioner thereof shall execute to such grantee, his heirs and assigns, a deed for the land described in such certificate, in the usual form, and the same shall be a full satisfaction and discharge of such certificate.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 30, 1848.

No. 150.

AN ACT concerning Divorce.

Revised stat-
utes amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section eight of an act entitled an act to amend the revised statutes of eighteen hundred and forty-six, approved March 17, 1847, be and the same is hereby repealed, and the acts or parts of acts by said section amended or repealed, are hereby restored.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1848.

No. 151.

AN ACT to incorporate the Washtenaw Woolen Manufacturing Company in the County of Washtenaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George D. Hill, Fitch Hill, Luther Boyden, Elnathan Botsford, John Lowry, William S. Maynard and Orrin White, and their successors and associates, are hereby created a body corporate by the name of the Washtenaw Woolen Manufacturing Company, for the term of thirty years from the passage of this act, for the purpose of manufacturing woolen and woolen and cotton cloths in the township of Ann Arbor, and county of Washtenaw, capable of executing all the powers, entitled to all the privileges, subject to all the duties and liabilities specified in the statute, prescribing the general provisions for corporations, except so far as the same may be modified and controlled by the terms of this act. Incorporat'n

Sec. 2. The capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, a part whereof not exceeding forty thousand dollars may be invested in real estate, which said corporation is hereby authorized to hold. Capital limited.

Sec. 3. Said corporation shall have a treasurer and such other officers and agents as the members of the corporation may determine, to be appointed in such manner and for such terms as the by-laws of said corporation may prescribe. The treasurer shall be sworn to the faithful discharge of his duties as the same may be prescribed in said by-laws, and shall give bond in such a sum and with such sureties as the said by-laws may prescribe, for the faithful discharge of his duty. Officers.

Sec. 4. The amount of the capital stock shall be fixed and limited by the corporation in the manner prescribed by the by-laws, not exceeding one hundred thousand dollars, and shall be divided into shares, and a record thereof be made by the treasurer; said shares shall be numbered in progressive order, beginning at number one; and every stockholder shall have a certificate under the seal of the corporation, and signed by the treasurer, certifying his property in such share as shall be expressed in the certificate: *Provided*, That the real estate which this company may hold shall be only such as shall be necessary for the corporate uses of said company. Capital fixed by company.

Sec. 5. Any shares may be transferred by the proprietor thereof,

Transfer of
shares.

by a deed under his hand and seal, acknowledged by any officer duly authorized by law to take acknowledgments of deeds, and recorded by the treasurer of the corporation in a book to be kept for that purpose, and the purchaser named in such deed so recorded shall, on producing the same to the treasurer, and delivering to him the former certificate, be entitled to a new certificate, and from the entry of such transfer the new stockholder shall be under all the liabilities of the original stockholder.

Assessment
on shares.

Sec. 6. Said corporation may, from time to time, at any regular meeting called for that purpose, assess upon each share such sums of money as the corporation shall think proper, not exceeding in the whole the amount at which such share shall be originally limited, and such sums so assessed shall be paid to the treasurer at such times and by such instalments as the corporation shall direct.

Indebtedness
of company
limited.

Sec. 7. The whole amount of debts which said corporation shall at any time owe, shall not exceed the amount of its capital stock actually paid in; and said corporation shall annually give notice in some newspaper printed in the village of Ann Arbor, of the amount of all the assessments laid by said corporation and actually paid in, and the amount of all existing debts, which notice shall be signed by the treasurer.

Liabilities of
stockholders

Sec. 8. All the members of this corporation or manufacturing company shall be jointly and severally liable for all debts and contracts made by said company for services rendered to said company: *Provided*, That the joint property shall be first exhausted before the private property of any member of said company shall be taken.

Annual re-
port.

Sec. 9. The company shall annually on or before the first Monday in January, make a report to the Secretary of State of the amount of the capital stock of said company, the amount paid in, the amount of all loans for the use of said company, and the amount of dividend upon the capital stock of said company.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 30, 1848.

No. 152.

AN ACT to amend an act to incorporate the Pontiac and Genesee Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of an act entitled <sup>Act amend-
ed.</sup> "an act to incorporate the Pontiac and Genesee Rail Road Company," approved May fifteenth, eighteen hundred and forty-six, is hereby amended by inserting after the word "million," in the third line of the printed act, the words "and five hundred thousand."

Sec. 2. That section four of said act be amended by striking out ^{Ibid.} the word "three," in the first line, and inserting the word "five ;" also by striking out the word "ten," in the third line, and inserting the word "fifteen."

Sec. 3. That section seven be amended by adding thereto the following words at the end of the section : "In case any annual meet- <sup>Annual mee-
ting.</sup> ing of the stockholders of said company shall not be or shall not have been holden, the charter of said company shall not thereby be forfeited, but the president and directors shall hold their offices until some succeeding annual meeting ; and it shall be competent to hold a subsequent annual or special meeting to elect a president and directors of said company."

Sec. 4. That section eleven of said act be amended by inserting after the words "any part of it," in the sixth line of said section, the words ^{Act amended} "and for the purpose of cuttings, embankments and excavations, and for the obtaining of stone, sand, gravel and timber ;" and also after the words "enter upon," in the said line, by striking out all the remaining part of the section and inserting the words "may take and appropriate as much more land as may be necessary for the proper construction and security of said road, and for constructing shops, depots and other proper, suitable and convenient fixtures in connection with and as appurtenances to said rail road, the said company taking all such lands as gifts, or purchasing or making satisfaction for the same in manner provided by this act."

Sec. 5. That section twelve of said act be stricken out and the following provisions inserted instead thereof : ^{Ibid.} "The said company, and under their direction, their agents, servants and workmen, are hereby

authorized and empowered to enter into and upon the lands and grounds of or belonging to the state or to any person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said rail road, with one or more sets tracks or rails, and for all the purposes connected with said rail road, for which said company by the last preceding section is authorized to take, have or appropriate any lands, and to fell and cut down all timber and other trees standing or being within one hundred feet on each side of said line of rail road, the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said company ; and also to make, build, erect and set up in and upon the route of said rail road, or upon the lands adjoining or near the same, all such works, ways, roads and conveniences as may be requisite and convenient for the purposes of said rail road ; and also from time to time to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying and conveying goods, commodities, timber or other things to and upon said rail road, as for carrying and conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of, or connected with said rail road, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road, or any of its works or appurtenances ; and also to make, repair, maintain and alter any fences or passages under or through the said rail road, or which shall communicate therewith, and to construct, erect and keep in repair any piers, arches or other works in and upon and across any rivers or brooks, for making, using or maintaining the said rail road and side paths, and also to construct, make and do all other matters and things which may be necessary and convenient for making, effecting and preserving, improving, completing and using the said rail road, in pursuance of and within the true intent and meaning of this act, they, the said company, doing as little damage as possible in the execution of the several powers to them hereby granted, and first making satis-

faction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments, before appropriating the same to the construction of said road."

Sec. 6. And that said act be further amended by adding after said ^{1812.} section 12, the provisions contained in the four following sections, Nos. 7, 8, 9 and 10.

Sec. 7. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate for the purposes of said rail road, as may or shall be made to said company, to aid in the construction, maintenance and accommodation of said rail road, and said company may contract and agree with the owners or occupiers of any lands upon which the said company may wish to construct the said rail road or way, or which said company may wish to use or occupy for the purpose of excavation, or of procuring stone, sand, gravel, earth or other materials, to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said rail road, which the company may wish to use or occupy in any manner, or for any purpose or purposes connected with said rail road, for which the said company is authorized or empowered by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of all or any such lands, and of any or all interests or estates therein, to them and their assigns, in fee or otherwise, and in case said company cannot agree with the owners or occupiers of such lands as aforesaid, so as to procure the same by voluntary deed or act of such owner or occupier thereof; or if the owners or occupiers or either or any of them, be a feme covert, under age, non compos mentis, unknown or out of the county in which the land or property wanted may lie or be situate, application may be made to the circuit court commissioner, county judge or judge of probate of such county in which the lands are situate, or a judge of the supreme court, for an assessment and inquisition as hereinafter provided. ^{New section.}

Sec. 8. Previous notice of such application shall be given to the owner or occupier of the land to be taken, either by personal service ^{1812.} of such notice three days before making such application, or by public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there be one, and if there

be none so printed in the same county, then such notice to be published in a newspaper printed in an adjoining county, if there be any newspaper printed in an adjoining county, or if there be no paper so printed in an adjoining county, such notice to be published in the state paper, if there be one, and if there be none, then in some newspaper printed in the city of Detroit ; such notice shall describe the land proposed to be taken by, the company or touching which damages are to be assessed, by the section or quarter section, or if in a city or village, by the section, block and number of lot, or by some other suitable and proper description ; and any irregularity or defect touching such notice, shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise : evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, or some disinterested person knowing the fact ; such affidavit when made within three months after the last publication of such notice, shall be prima facia evidence of the facts therein set forth.

New section.

Sec. 9. The commissioner or judge to whom such application shall be made, shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and the said judge or circuit court commissioner, to whom such application was made, shall thereupon issue his warrant, under his hand and seal, inserting therein the twelve names so drawn by the clerk ; and the twelve names so drawn from the petit jury box, shall be thereupon deposited again by the clerk in said box, and the warrant so issued as aforesaid shall be directed to the sheriff of said county, or if the sheriff be interested, then to one of the coroners of said county, and in case the sheriff or coroners be jointly or severally interested, to some constable of said county, requiring him to summon the twelve persons whose names are inserted in such warrant as jurors, to meet on or near the land or property, or materials to be valued, or touching which damages are to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same, and if at the same time and place, any of the persons summoned-do not attend, the said sheriff or coroner shall immediately

summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or coroner for him, her or them, may strike off three jurors, and the remaining six shall sit as a jury of inquest of damages, and before they act as such, the sheriff or coroner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owners or occupiers have sustained or will sustain, by the use or occupation of the land, or the taking of the materials or other property required by the said company, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to the said company and the other to the party claiming compensation ; and the property taken and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and the map thereof shall be set forth in such inquisition, and such inquisition shall be filed in and shall also be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made, if no sufficient cause to the contrary be shown, and when confirmed the same shall be recorded by the clerk of said court at the expense of said company, but if not confirmed, another inquisition may be taken in a manner above specified.

Sec. 10. And the money assessed as the valuation in any such inquisition which shall have been confirmed, being paid or legally tendered to the party entitled to the same, the property so taken and valued shall immediately thereupon vest in such company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof, for such term of time as the same may be required for the purposes authorized by this act ; and in case the party entitled to receive such money shall not appear before the jury which makes the inquisition, and make claim to such lands, or shall not appear to demand or accept the money assessed as the valuation in any such inquisition, then a deposit with the treasurer of this state of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the

New section.

same, and the state treasurer shall receive and keep account of all moneys so received into the state treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor or of a justice of the supreme court ; and such inquisition, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person to whom damages were awarded by such inquisition and confirmation thereof at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed by such inquisition in manner aforesaid ; and if at any time it shall by any means happen that said company shall be in possession or occupancy of any land, the title to which or the full right of use and occupancy whereof for the purposes of said company in manner aforesaid shall not have been duly relinquished to or vested in said company, then in any and all such cases said company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed, and the commissioner or judge issuing the warrant, and sheriff, coroner, constable, and jurors to be summoned under this act, shall be entitled for the services rendered by them, to such compensation as may be fixed therefor by the chancellor or a justice of the supreme court, by an order for that purpose to be made by him, and which cost shall be paid by said company.

Act amended Sec. 11. That section thirteenth of said act be stricken out, and the following provision be inserted in lieu thereof : " Whenever it shall be necessary for the construction of their rail road to intersect or cross any stream of water or water course, or road or highway, lying on the route of the said rail road, it shall and may be lawful for the company to construct their rail road across or upon the same : *Provided*, That the said company shall restore the stream or water course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness."

Ibid. Sec. 12. That section sixteenth in said act be amended by striking out in the sixth line of said section, the words " power to charge," and insert in lieu thereof, " full power and authority to demand, recover and take the dues ;" and after the word " incorporated," in the sev-

enth and eighth lines of said section, insert the words "for their own proper use and benefit, on all goods, merchandise and passengers using or occupying said rail road or any other convenience, erection or improvement, built, occupied or owned by said company, to be used therewith, and they shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and storage, and shall have full power to erect and maintain such toll houses and other buildings, for the accommodation and proper transaction of their business, as to them may seem necessary. Said company may charge and collect a reasonable sum for storage on property transported by them on said road, on delivery thereof at any of their depots, which property shall have remained so stored more than five days after notice to owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to owner, if consignee not known."

Sec. 13. And that said act be further amended as follows : " It shall be lawful for the directors to require payment of the sums subscribed to the capital stock of said company, at such times and in such proportions and on such conditions as they shall deem proper and necessary, in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation ; and the treasurer shall give notice of all such assessments in the same manner as is provided in section eight of this act for the assessment of damages, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after the time specified in such notice for the payment thereof, the president and directors of said company or a majority of them, shall have power to provide by by-laws of said corporation for the forfeiture to the company, and for their benefit and use, of all such share or shares of stock upon which such assessment shall not have been paid as above provided, together with all previous payments which may have been made thereon. Section added, assessment on shares of stock.

Sec. 14. That section twenty-third be amended by striking out all of said section after the word "company," in the seventh line, and insert in lieu thereof the following : " And any inhabitant of this state shall have a lien upon all the personal property of said company for all Act amended

dues or demands against said company to the amount of one hundred dollars, originally contracted within this state, which, after the lien of the state, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said company."

Ibid.
Repeal, &c.

Sec. 15. Strike out section twenty-five and insert the following in lieu thereof: Sec. 25. The legislature may at any time alter, amend or repeal the charter of said company, after the thirty years from the passage of this act, or at any time for a violation of their charter, by a vote of two-thirds of each house.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved March 30, 1848.

No. 153.

AN ACT to provide for the distribution of the annual reports of the state officers among the members and officers of the Legislature.

*Duty of state
printer.*

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be the duty of the printer of the laws of this state to deliver to the Secretary of the Senate and to the Clerk of the House of Representatives, on the fourth day of the session of the legislature in each year, or as soon thereafter as possible, the number of copies of the annual reports of the several state officers as by law each house shall be entitled to receive; and the said printer shall take the receipt of the said Secretary and Clerk for the number of copies of said report so delivered to them respectively, and shall not be entitled to receive pay for printing a greater number of said reports for the use of the legislature, than the number so delivered and receipted for by them.

*Duties of sec.
of senate &
clerk of
house.*

Sec. 2. That it shall be the duty of the Secretary of the Senate and Clerk of the House of Representatives to cause to be distributed equally among the members and officers of their respective houses, the reports so received and receipted for by each of them.

Approved March 31, 1848.

No. 154.

AN ACT to authorize the Commissioner of the State Land Office to convey to Hiram Burnham certain lands selected for saline purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office be and he is hereby authorized and directed to issue to Hiram Burnham a certificate of purchase of and for the west half of the north west quarter of section twelve, in township four south, of range five east, the same being a portion of the lands selected by this state for saline purposes, upon receiving at any time within one year after the selection of said land shall be confirmed to this state, from said Burnham, the sum of four dollars per acre with interest from the date of the confirmation of said selection to the state of Michigan: *Provided*, That this act shall not be so construed as to deprive the state of Michigan of the privilege at any and all times to use for saline purposes any spring or springs on said lands.

Approved March 31, 1848.

No. 155.

AN ACT to provide for the improvement of the Detroit and Grand River Road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That seven thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving the Detroit and Grand River road, which lies between the capitol of this state and the point where the said Grand River road crosses the Thornapple river in the county of Kent. 7000 acres int. imp. land appropriated on Grand River road.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of this state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner before entering thereon. Special commissioner.

Sec. 3. The said special commissioner shall, by virtue of his appointment, have the control and management of the improvements Powers and duties of such commissioner.

Transfer of
shares.

by a deed under his hand and seal, acknowledged by any officer duly authorized by law to take acknowledgments of deeds, and recorded by the treasurer of the corporation in a book to be kept for that purpose, and the purchaser named in such deed so recorded shall, on producing the same to the treasurer, and delivering to him the former certificate, be entitled to a new certificate, and from the entry of such transfer the new stockholder shall be under all the liabilities of the original stockholder.

Assessment
on shares.

Sec. 6. Said corporation may, from time to time, at any regular meeting called for that purpose, assess upon each share such sums of money as the corporation shall think proper, not exceeding in the whole the amount at which such share shall be originally limited, and such sums so assessed shall be paid to the treasurer at such times and by such instalments as the corporation shall direct.

Indebtedness
of company
limited.

Sec. 7. The whole amount of debts which said corporation shall at any time owe, shall not exceed the amount of its capital stock actually paid in; and said corporation shall annually give notice in some newspaper printed in the village of Ann Arbor, of the amount of all the assessments laid by said corporation and actually paid in, and the amount of all existing debts, which notice shall be signed by the treasurer.

Liabilities of
stockholders

Sec. 8. All the members of this corporation or manufacturing company shall be jointly and severally liable for all debts and contracts made by said company for services rendered to said company: *Provided*, That the joint property shall be first exhausted before the private property of any member of said company shall be taken.

Annual re-
port.

Sec. 9. The company shall annually on or before the first Monday in January, make a report to the Secretary of State of the amount of the capital stock of said company, the amount paid in, the amount of all loans for the use of said company, and the amount of dividend upon the capital stock of said company.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 30, 1848.

No. 152.

AN ACT to amend an act to incorporate the Pontiac and Genesee Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section two of an act entitled ^{Act amend-} "an act to incorporate the Pontiac and Genesee Rail Road Company," approved May fifteenth, eighteen hundred and forty-six, is hereby amended by inserting after the word "million," in the third line of the printed act, the words "and five hundred thousand."

Sec. 2. That section four of said act be amended by striking out ^{Ibid.} the word "three," in the first line, and inserting the word "five ;" also by striking out the word "ten," in the third line, and inserting the word "fifteen."

Sec. 3. That section seven be amended by adding thereto the following words at the end of the section : "In case any annual meet- ^{Annual mee-} ing of the stockholders of said company shall not be or shall not have been holden, the charter of said company shall not thereby be forfeit- ^{ing.} ed, but the president and directors shall hold their offices until some succeeding annual meeting ; and it shall be competent to hold a subsequent annual or special meeting to elect a president and directors of said company."

Sec. 4. That section eleven of said act be amended by inserting after ^{Act amended} the words "any part of it," in the sixth line of said section, the words "and for the purpose of cuttings, embankments and excavations, and for the obtaining of stone, sand, gravel and timber ;" and also after the words "enter upon," in the said line, by striking out all the remaining part of the section and inserting the words "may take and appropriate as much more land as may be necessary for the proper construction and security of said road, and for constructing shops, depots and other proper, suitable and convenient fixtures in connection with and as appurtenances to said rail road, not exceeding two hundred feet in width from said rail road, the said company taking all such lands as gifts, or purchasing or making satisfaction for the same in manner provided by this act."

Sec. 5. That section twelve of said act be stricken out and the fol- ^{Ibid.} lowing provisions inserted instead thereof : "The said company, and under their direction, their agents, servants and workmen, are hereby

authorized and empowered to enter into and upon the lands and grounds of or belonging to the state or to any person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said rail road, with one or more sets tracks or rails, and for all the purposes connected with said rail road, for which said company by the last preceding section is authorized to take, have or appropriate any lands, and to fell and cut down all timber and other trees standing or being within one hundred feet on each side of said line of rail road, the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said company ; and also to make, build, erect and set up in and upon the route of said rail road, or upon the lands adjoining or near the same, all such works, ways, roads and conveniences as may be requisite and convenient for the purposes of said rail road ; and also from time to time to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying and conveying goods, commodities, timber or other things to and upon said rail road, as for carrying and conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of, or connected with said rail road, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road, or any of its works or appurtenances ; and also to make, repair, maintain and alter any fences or passages under or through the said rail road, or which shall communicate therewith, and to construct, erect and keep in repair any piers, arches or other works in and upon and across any rivers or brooks, for making, using or maintaining the said rail road and side paths, and also to construct, make and do all other matters and things which may be necessary and convenient for making, effecting and preserving, improving, completing and using the said rail road, in pursuance of and within the true intent and meaning of this act, they, the said company, doing as little damage as possible in the execution of the several powers to them hereby granted, and first making satis-

faction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments, before appropriating the same to the construction of said road."

Sec. 6. And that said act be further amended by adding after said *Ibid.* section 12, the provisions contained in the four following sections, Nos. 7, 8, 9 and 10.

Sec. 7. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate for the purposes of said rail road, as may or shall be made to said company, to aid in the construction, maintenance and accommodation of said rail road, and said company may contract and agree with the owners or occupiers of any lands upon which the said company may wish to construct the said rail road or way, or which said company may wish to use or occupy for the purpose of excavation, or of procuring stone, sand, gravel, earth or other materials, to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said rail road, which the company may wish to use or occupy in any manner, or for any purpose or purposes connected with said rail road, for which the said company is authorized or empowered by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of all or any such lands, and of any or all interests or estates therein, to them and their assigns, in fee or otherwise, and in case said company cannot agree with the owners or occupiers of such lands as aforesaid, so as to procure the same by voluntary deed or act of such owner or occupier thereof; or if the owners or occupiers or either or any of them, be a feme covert, under age, non compos mentis, unknown or out of the county in which the land or property wanted may lie or be situate, application may be made to the circuit court commissioner, county judge or judge of probate of such county in which the lands are situate, or a judge of the supreme court, for an assessment and inquisition as hereinafter provided. *New section.*

Sec. 8. Previous notice of such application shall be given to the owner or occupier of the land to be taken, either by personal service *Ibid.* of such notice three days before making such application, or by public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there be one, and if there

be none so printed in the same county, then such notice to be published in a newspaper printed in an adjoining county, if there be any newspaper printed in an adjoining county, or if there be no paper so printed in an adjoining county, such notice to be published in the state paper, if there be one, and if there be none, then in some newspaper printed in the city of Detroit ; such notice shall describe the land proposed to be taken by the company or touching which damages are to be assessed, by the section or quarter section, or if in a city or village, by the section, block and number of lot, or by some other suitable and proper description ; and any irregularity or defect touching such notice, shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise : evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, or some disinterested person knowing the fact ; such affidavit when made within three months after the last publication of such notice, shall be prima facia evidence of the facts therein set forth.

New section.

Sec. 9. The commissioner or judge to whom such application shall be made, shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and the said judge or circuit court commissioner, to whom such application was made, shall thereupon issue his warrant, under his hand and seal, inserting therein the twelve names so drawn by the clerk ; and the twelve names so drawn from the petit jury box, shall be thereupon deposited again by the clerk in said box, and the warrant so issued as aforesaid shall be directed to the sheriff of said county, or if the sheriff be interested, then to one of the coroners of said county, and in case the sheriff or coroners be jointly or severally interested, to some constable of said county, requiring him to summon the twelve persons whose names are inserted in such warrant as jurors, to meet on or near the land or property, or materials to be valued, or touching which damages are to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same, and if at the same time and place, any of the persons summoned do not attend, the said sheriff or coroner shall immediately

summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or coroner for him, her or them, may strike off three jurors, and the remaining six shall sit as a jury of inquest of damages, and before they act as such, the sheriff or coroner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owners or occupiers have sustained or will sustain, by the use or occupation of the land, or the taking of the materials or other property required by the said company, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to the said company and the other to the party claiming compensation ; and the property taken and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and the map thereof shall be set forth in such inquisition, and such inquisition shall be filed in and shall also be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made, if no sufficient cause to the contrary be shown, and when confirmed the same shall be recorded by the clerk of said court at the expense of said company, but if not confirmed, another inquisition may be taken in a manner above specified.

Sec. 10. And the money assessed as the valuation in any such inquisition which shall have been confirmed, being paid or legally tendered to the party entitled to the same, the property so taken and valued shall immediately thereupon vest in such company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof, for such term of time as the same may be required for the purposes authorized by this act ; and in case the party entitled to receive such money shall not appear before the jury which makes the inquisition, and make claim to such lands, or shall not appear to demand or accept the money assessed as the valuation in any such inquisition, then a deposit with the treasurer of this state of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the

New section.

same, and the state treasurer shall receive and keep account of all moneys so received into the state treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor or of a justice of the supreme court ; and such inquisition, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person to whom damages were awarded by such inquisition and confirmation thereof at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed by such inquisition in manner aforesaid ; and if at any time it shall by any means happen that said company shall be in possession or occupancy of any land, the title to which or the full right of use and occupancy whereof for the purposes of said company in manner aforesaid shall not have been duly relinquished to or vested in said company, then in any and all such cases said company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed, and the commissioner or judge issuing the warrant, and sheriff, coroner, constable, and jurors to be summoned under this act, shall be entitled for the services rendered by them, to such compensation as may be fixed therefor by the chancellor or a justice of the supreme court, by an order for that purpose to be made by him, and which cost shall be paid by said company.

Act amended Sec. 11. That section thirteenth of said act be stricken out, and the following provision be inserted in lieu thereof : " Whenever it shall be necessary for the construction of their rail road to intersect or cross any stream of water or water course, or road or highway, lying on the route of the said rail road, it shall and may be lawful for the company to construct their rail road across or upon the same : *Provided*, That the said company shall restore the stream or water course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness."

Ibid. Sec. 12. That section sixteenth in said act be amended by striking out in the sixth line of said section, the words " power to charge," and insert in lieu thereof, " full power and authority to demand, recover and take the dues ;" and after the word " incorporated," in the sev-

enth and eighth lines of said section, insert the words "for their own proper use and benefit, on all goods, merchandise and passengers using or occupying said rail road or any other convenience, erection or improvement, built, occupied or owned by said company, to be used therewith, and they shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and storage, and shall have full power to erect and maintain such toll houses and other buildings, for the accommodation and proper transaction of their business, as to them may seem necessary. Said company may charge and collect a reasonable sum for storage on property transported by them on said road, on delivery thereof at any of their depots, which property shall have remained so stored more than five days after notice to owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to owner, if consignee not known."

Sec. 13. And that said act be further amended as follows: "It shall be lawful for the directors to require payment of the sums subscribed to the capital stock of said company, at such times and in such proportions and on such conditions as they shall deem proper and necessary, in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation; and the treasurer shall give notice of all such assessments in the same manner as is provided in section eight of this act for the assessment of damages, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after the time specified in such notice for the payment thereof, the president and directors of said company or a majority of them, shall have power to provide by by-laws of said corporation for the forfeiture to the company, and for their benefit and use, of all such share or shares of stock upon which such assessment shall not have been paid as above provided, together with all previous payments which may have been made thereon.

Section added, assessment on shares of stock.

Sec. 14. That section twenty-third be amended by striking out all of said section after the word "company," in the seventh line, and insert in lieu thereof the following: "And any inhabitant of this state shall have a lien upon all the personal property of said company for all

Act amended

dues or demands against said company to the amount of one hundred dollars, originally contracted within this state, which, after the lien of the state, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said company."

Ibid.
Repeal, &c.

Sec. 15. Strike out section twenty-five and insert the following in lieu thereof: Sec. 25. The legislature may at any time alter, amend or repeal the charter of said company, after the thirty years from the passage of this act, or at any time for a violation of their charter, by a vote of two-thirds of each house.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved March 30, 1848.

No. 153.

AN ACT to provide for the distribution of the annual reports of the state officers among the members and officers of the Legislature.

*Duty of state
printer.*

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be the duty of the printer of the laws of this state to deliver to the Secretary of the Senate and to the Clerk of the House of Representatives, on the fourth day of the session of the legislature in each year, or as soon thereafter as possible, the number of copies of the annual reports of the several state officers as by law each house shall be entitled to receive; and the said printer shall take the receipt of the said Secretary and Clerk for the number of copies of said report so delivered to them respectively, and shall not be entitled to receive pay for printing a greater number of said reports for the use of the legislature, than the number so delivered and receipted for by them.

*Duties of sec.
of senate &
clerk of
house.*

Sec. 2. That it shall be the duty of the Secretary of the Senate and Clerk of the House of Representatives to cause to be distributed equally among the members and officers of their respective houses, the reports so received and receipted for by each of them.

Approved March 31, 1848.

No. 154.

AN ACT to authorize the Commissioner of the State Land Office to convey to Hiram Burnham certain lands selected for saline purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office be and he is hereby authorized and directed to issue to Hiram Burnham a certificate of purchase of and for the west half of the north west quarter of section twelve, in township four south, of range five east, the same being a portion of the lands selected by this state for saline purposes, upon receiving at any time within one year after the selection of said land shall be confirmed to this state, from said Burnham, the sum of four dollars per acre with interest from the date of the confirmation of said selection to the state of Michigan: *Provided*, That this act shall not be so construed as to deprive the state of Michigan of the privilege at any and all times to use for saline purposes any spring or springs on said lands.

Approved March 31, 1848.

No. 155.

AN ACT to provide for the improvement of the Detroit and Grand River Road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That seven thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving the Detroit and Grand River road, which lies between the capitol of this state and the point where the said Grand River road crosses the Thornapple river in the county of Kent. 7000 acres int. imp. land appropriated on Grand River road.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of this state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner before entering thereon. Special commissioner.

Sec. 3. The said special commissioner shall, by virtue of his appointment, have the control and management of the improvements Powers and duties of such commissioner.

specified by this act, and shall have power to superintend the same in person, or let out by contract any job or jobs therefor to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work according to the stipulations of said contract.

Proposals for
jobs, &c.

Sec. 4. It shall be the duty of said special commissssioner, before letting any such job or jobs, to advertise for proposals, stating the time and place of meeting for that purpose, which notice shall be given at least four weeks previous to the letting of said jobs, in a newspaper printed in the county where the labor is to be performed.

Payment of
contractors.

Sec. 5. Whenever any contractor, under the preceeding sections of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or if any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor for any such service, by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands, which said warrants shall be receivable at the office of the Commissioner of the State Land Office in payment for any unappropriated internal improvement lands belonging to the state : *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any such lands at a less price than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate than forty acres.

Compensa-
tion of com'r
and audit of
his acc't, &c.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriations made by this act with all the diligence and dispatch compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day payable pro rata from the said appropriation, and shall render to the Auditor General an account of all services necessarily rendered by him, by virtue of the provisions of this act, verified by his oath ; thereupon the Auditor General shall issue his warrant to the said special commissioner for the amount of said services, which shall be receivable by the Commissioner of the State Land Office in payment of any land contemplated by the provisions of this act.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

No. 156.

AN ACT appropriating certain internal improvement lands for laying out and improving a state road from Lapeer, in Lapeer county, by the village of Almont, to St. Clair in St. Clair county, and which, by intersecting with the Fort Gratiot turnpike shall open a communication from the village of Almont to the village of Port Huron.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That seven thousand five hundred ^{7500 1/2 acres int imp. land appropriated} acres are hereby appropriated from the internal improvement lands belonging to the state, for the purpose of laying out, establishing and improving a state road from the village of Lapeer in the county of Lapeer, by the way of the village of Almont, to the village of St. Clair in St. Clair county: *Provided*, That three thousand acres of this appropriation shall be judiciously expended on that part of the road in Lapeer county, and four thousand five hundred acres in like manner in St. Clair county.

Sec. 2. The state road contemplated in the preceding section of this act, shall commence at the village of Lapeer, running thence a south-easterly course to the village of Almont, thence easterly and south-easterly to the village of St. Clair, (having reference to the nature of the ground and practicability of construction,) on the most feasible route, and intersecting the Fort Gratiot turnpike at some point in the township of St. Clair. ^{Route of ro'd}

Sec. 3. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a special commissioner, who shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office, and shall file a bond with sureties to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such special commissioner. ^{Special commissioner.}

Sec. 4. The said special commissioner shall in virtue of his appointment have the control and management of the several improvements ^{Powers and duties of com'r.}

specified in this act, and shall have power to let out by contract the building of any bridges on the route of said road, and opening and working of said road to the lowest bidder, who shall execute to said special commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the said contract : *Provided*, That before the letting, the said commissioner shall advertise for proposals for the constructing any such bridges as may be necessary on the line of said road, and the opening and working of said road or any part of said road, in separate sections, describing the same, by posting up in three of the most public places in each of the towns through which said road shall run, for at least four weeks previous to the letting of said contracts.

Pay of contractors and others.

Sec. 5. Whenever any contractor, under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by the said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said commissioner to pay said contractor according to the terms of his contract, or for any such service, by his order drawn on the Auditor General, who shall receive the same and issue his warrant drawn against the internal improvement lands, which shall be payable in such lands : *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said land at a less price than that now established by law for the sale of the internal improvement lands, or a less quantity in any one certificate of sale than the usual legal subdivision of said lands.

Power of com'r, &c.

Sec. 6. For the purpose of laying out, opening and improving said road, said commissioner shall possess the power now conferred by law upon the highway commissioners of the several townships through which said road runs, and for settling and adjusting all claims for damages done by persons interested in the lands through which said road shall be laid, he may apply to a justice of the peace of the proper township or an adjoining township, for the appointment of three disinterested appraisers, and the same proceedings shall thereupon be had in all respects as are now provided by law for the settlement of like cases by highway commissioners.

Sec. 7. The said commissioner shall cause an accurate map and field notes of the survey of said road, or so much thereof as may be included within the limits of each township, to be filed in the office of the proper township clerk or clerks, who shall record the same in the manner now provided by law for recording public highways. Com'r to file survey. &c.

Sec. 8. Said commissioner shall proceed to the outlay of the appropriations made by this act with all the diligence and dispatch compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable pro rata from the said appropriations, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath; thereupon the Auditor General shall issue his warrant to the said special commissioner for the amount of such services, which shall be receivable by the Commissioner of the State Land Office for any of the lands selected and reserved from sale by virtue of section three of this act. Compensation & acc't of com'r, &c.

Sec. 9. This act shall take effect from and after its passage.

Approved March 31, 1848.

No. 157. .

AN ACT to amend an act to establish a Board of Auditors to investigate certain claims growing out of the sales of Primary School Lands, University and Internal Improvement Lands, &c., approved March 24, 1845.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section two of said act be so amended as to read as follows: "It shall be the duty of said board hereafter to meet on the first Monday in February and the first Monday in July in each year at the state land office, and when so convened the board shall proceed to examine into all claims and applications for relief growing out of the sales of the lands aforesaid, which may have been filed with the Commissioner of the State Land Office, at least ten days previous to said meeting, and shall enter a full settlement and adjustment of all such claims and applications for relief as may be Act amend'd

Board of au-
ditors on l'nd
claims.

deemed just and equitable by said board, having in view the interest of the different funds for which the lands aforesaid were originally appropriated, and the just and equitable relief which each particular case may demand : *Provided*, That the decision and awards of said board be first approved by the Governor of this state : *Also provided*, That the provisions of the act hereby amended shall not preclude any person who may find himself or themselves aggrieved by the decisions and awards of said board from applying at any time after such decisions and awards to the legislature for relief in their respective cases, and in no case shall an order be issued for refunding money to the purchasers of any of the lands above mentioned, their heirs or assigns, unless sanctioned by an act or resolution of the legislature : *And provided further*, That whenever any claim for relief shall be filed in the office of said Commissioner as above prescribed, it shall be his duty forthwith to notify the other members of the said board of the same, whose duty it shall be on the receipt thereof to meet at the office of said Commissioner at the stated times above specified to examine into the matter. But in no case shall they be required so to meet unless notified by said Commissioner as above prescribed.

Approved March 31, 1848.

No. 158.

AN ACT for the improvement of a cartain road located in the southern tier of townships in the county of Kalamazoo.

2000 acres
int. imp.
lands appro-
priated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That two thousand acres of internal improvement lands belonging to this state be and the same are hereby appropriated for the purpose of opening and improving a road extending from the quarter post on the east side of section twelve, in town four south, of range nine west, to the village of Vicksburg, so called, on the portage of St. Joseph river.

Special com-
missioner.

Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of this state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sufficient sureties, to be ap-

proved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Sec. 3. The said special commissioner shall have the exclusive control and management of the improvement contemplated in this act, with power to let by contract the working and improvement of said road, to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond with sureties, to be approved by him, conditioned for the faithful performance of the work stipulated in said contract: *Provided*, That before the letting of any such work or improvement, the commissioner aforesaid shall advertise for proposals for opening and improving said road, or any part thereof in separate sections or jobs, describing the same, and cause such advertisement to be published at least three weeks successively in some newspaper printed in the county of Kalamazoo.

Powers and duties of such com'r.

Sec. 4. Whenever any contractor under the preceding sections of this act shall have finished his job according to the terms and conditions of his contract, and the same shall have been accepted by said special commissioner, it shall be the duty of said commissioner to pay said contractor for any such service or work, by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands; and said warrants shall be receivable at the state land office in payment for any lands belonging to the state not otherwise appropriated, at one dollar and twenty-five cents per acre; but no certificate or warrant shall be drawn for any less quantity than forty acres.

Payment of contractors and others.

Sec. 5. Said special commissioner shall proceed in the outlay of the appropriation hereby made with as much diligence and dispatch as shall be compatible with proper economy, and shall render to the Auditor General an account verified by his oath, of all service by him thus rendered, and shall receive for his services a sum not exceeding one dollar and fifty cents per day for the time necessarily employed by him in discharging the duties imposed upon him by virtue of this act, payable from the appropriation hereinbefore made, by the warrant of the Auditor General drawn upon the Commissioner of the Land Office.

Com'r to render acc't to Aud. Gen'l, &c.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

No. 159.

AN ACT appropriating certain internal improvement lands for the purpose of improving the Pontiac and Grand River state road, from the village of Pontiac, in the county of Oakland, to the village of Byron, in the county of Shiawassee.

900 acres
int. imp.
lands appro-
priated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That four thousand acres of the internal improvement lands belonging to this state be and the same are hereby appropriated for the purpose of improving the Pontiac and Grand River state road, one thousand acres thereof to be laid out in the county of Genesee, and three thousand acres thereof to be laid out in the county of Oakland.

Special com-
missioner.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the State is hereby authorized to appoint a special commissioner, who shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office, and file a bond, with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Duties of
com'r.

Sec. 3. The special commissioner shall have the control and management of the improvement of said road, and may superintend the outlay of said appropriation in person, and for that purpose may employ laborers and purchase materials, or he may let out by contract the whole or any portion of said improvement to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the faithful performance of the work stipulated in the contract: *Provided*, That before such letting, the said commissioner shall post up notices in three of the most public places in the township where such work is to be done, at least twenty days before the letting of said job.

Payment of
contractors
and others.

Sec. 4. Upon the completion of any job, and in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased, said commissioner may draw his orders upon the Auditor General, for warrants payable in internal improvement lands, which said warrants shall be received in the state land office in payment for any such lands not withheld from sale or otherwise appropriated: *Provided*, That the aggregate orders so drawn by said commissioner shall not exceed the amount of land hereinbefore appropriated, at one dollar and twenty-five cents per acre.

Sec. 5. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and dispatch compatible with proper economy and the best interests of the state, and shall receive as a compensation for his services a sum not exceeding one dollar and fifty cents per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Compensation of commissioner and audit of his accounts.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

No. 160.

AN ACT to provide for laying out and improving certain roads in the county of Clinton, and making appropriations of internal improvement lands therefor.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That six thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving certain roads in the county of Clinton, as follows, viz : three thousand acres thereof upon a road to be laid out from the village of Dewitt to the village of Mapleton in the township of Duplane, crossing the line of the northern rail road at or near the residence of Stephen W. Downer ; also one thousand acres thereof for the laying out and improving a branch of said last mentioned road commencing at a point where it intersects the northern rail road line, and running thence to the north-east corner of section twenty-five in the township of Essex, and from thence on the most direct and eligible route to a point at or near the centre of the township of Greenbush in said county of Clinton ; and also two thousand acres of said land, for the laying out and improving a road from the village of Dewitt, through the German settlement in Westphalia, to Lyons in the county of Ionia, said appropriation to be expended within the limits of the county of Clinton.

6000 acres int. imp. lands appropriated.

Sec. 2. For the purpose of laying out and establishing the said sev-

Special commissioner.

eral roads, and of opening and improving the same by the outlay of the above appropriations, the Governor is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sufficient sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Powers and duties of com'r.

Sec. 3. The said special commissioner to be appointed by the provisions of this act, shall be authorized to lay out and establish the line of the said several roads in this act specified, and shall cause a map and survey of said roads to be made, and shall cause so much thereof, with the proper field notes, as lie within the limits of any township, to be filed for record in the office of the clerk of such township, in the manner now provided by law for recording public highways, and thereupon the same proceedings shall be had for the procuring of the right of way, and for ascertaining and settlement of all claims for damages by any person or persons interested in lands through which either of said roads are laid, as are now provided in like cases of laying out and opening highways by commissioners of highways.

Provided.

Sec. 4. The said special commissioner shall, by virtue of his appointment, have the control and management of the improvement contemplated by this act, and shall have power to let out by contract the working and improvement of said roads to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the faithful performance of the work stipulated in said contract: *Provided*, That before such letting of work, the said commissioner shall advertise for proposals for opening and improving said road, or any part thereof, in separate sections or jobs, describing the same; such advertisement to be published at least four successive weeks in a newspaper published at Michigan in the county of Ingham.

Payment of contractors.

Sec. 5. Whenever any contractor under the preceding section of this act shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor or contractors for any such services or work, by his order drawn on the Auditor General for warrants

drawn against and payable in internal improvement lands, which said warrants shall be received at the state land office in payment for any such land not otherwise appropriated : *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a price less than that now established by law, or in a less quantity in any one certificate than forty acres.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch that shall be compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Compensation of com'r and audit and allowance of his account.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

No. 161.

AN ACT to authorize Daniel S. Lee, Charles P. Bush and John Thomas to erect and maintain a dam across the Grand River in the county of Ingham.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for Daniel S. Lee, Charles P. Bush and John Thomas, their heirs and assigns, and they are hereby authorized to erect and maintain a dam not exceeding eight feet in height above common low water mark, across the Grand River on sections twenty or twenty-one, in township four north of range two west, in Ingham county.

Dam across Grand River authorized.

Sec. 2. The owners or occupant of said dam shall construct a good and convenient lock, at least eighty feet long and eighteen feet wide, for the passage of all boats, barges, rafts or other water craft that may navigate said river, and shall be so constructed as to receive such boats and other water craft in slack water of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam, for

Description of dam, lock, &c.

specified by this act, and shall have power to superintend the same in person, or let out by contract any job or jobs therefor to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work according to the stipulations of said contract.

Proposals for
jobs, &c.

Sec. 4. It shall be the duty of said special commissioner, before letting any such job or jobs, to advertise for proposals, stating the time and place of meeting for that purpose, which notice shall be given at least four weeks previous to the letting of said jobs, in a newspaper printed in the county where the labor is to be performed.

Payment of
contractors.

Sec. 5. Whenever any contractor, under the preceding sections of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or if any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor for any such service, by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands, which said warrants shall be receivable at the office of the Commissioner of the State Land Office in payment for any unappropriated internal improvement lands belonging to the state : *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any such lands at a less price than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate than forty acres.

Compensa-
tion of com'r
and audit of
his acc't, &c.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriations made by this act with all the diligence and dispatch compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day payable pro rata from the said appropriation, and shall render to the Auditor General an account of all services necessarily rendered by him, by virtue of the provisions of this act, verified by his oath ; thereupon the Auditor General shall issue his warrant to the said special commissioner for the amount of said services, which shall be receivable by the Commissioner of the State Land Office in payment of any land contemplated by the provisions of this act.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

No. 156.

AN ACT appropriating certain internal improvement lands for laying out and improving a state road from Lapeer, in Lapeer county, by the village of Almont, to St. Clair in St. Clair county, and which, by intersecting with the Fort Gratiot turnpike shall open a communication from the village of Almont to the village of Port Huron.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That seven thousand five hundred ^{7500 1/2 acres} ^{int imp. land} ^{appropriated} acres are hereby appropriated from the internal improvement lands belonging to the state, for the purpose of laying out, establishing and improving a state road from the village of Lapeer in the county of Lapeer, by the way of the village of Almont, to the village of St. Clair in St. Clair county: *Provided*, That three thousand acres of this appropriation shall be judiciously expended on that part of the road in Lapeer county, and four thousand five hundred acres in like manner in St. Clair county.

Sec. 2. The state road contemplated in the preceding section of this act, shall commence at the village of Lapeer, running thence a south-easterly course to the village of Almont, thence easterly and south-easterly to the village of St. Clair, (having reference to the nature of the ground and practicability of construction,) on the most feasible route, and intersecting the Fort Gratiot turnpike at some point in the township of St. Clair. ^{Route of ro'd}

Sec. 3. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a special commissioner, who shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office, and shall file a bond with sureties to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such special commissioner. ^{Special commissioner.}

Sec. 4. The said special commissioner shall in virtue of his appointment have the control and management of the several improvements ^{Powers and duties of com'r.}

specified in this act, and shall have power to let out by contract the building of any bridges on the route of said road, and opening and working of said road to the lowest bidder, who shall execute to said special commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the said contract : *Provided*, That before the letting, the said commissioner shall advertise for proposals for the constructing any such bridges as may be necessary on the line of said road, and the opening and working of said road or any part of said road, in separate sections, describing the same, by posting up in three of the most public places in each of the towns through which said road shall run, for at least four weeks previous to the letting of said contracts.

Pay of contractors and others.

Sec. 5. Whenever any contractor, under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by the said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said commissioner to pay said contractor according to the terms of his contract, or for any such service, by his order drawn on the Auditor General, who shall receive the same and issue his warrant drawn against the internal improvement lands, which shall be payable in such lands : *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said land at a less price than that now established by law for the sale of the internal improvement lands, or a less quantity in any one certificate of sale than the usual legal subdivision of said lands.

Power of com'r, &c.

Sec. 6. For the purpose of laying out, opening and improving said road, said commissioner shall possess the power now conferred by law upon the highway commissioners of the several townships through which said road runs, and for settling and adjusting all claims for damages done by persons interested in the lands through which said road shall be laid, he may apply to a justice of the peace of the proper township or an adjoining township, for the appointment of three disinterested appraisers, and the same proceedings shall thereupon be had in all respects as are now provided by law for the settlement of like cases by highway commissioners.

Sec. 7. The said commissioner shall cause an accurate map and field notes of the survey of said road, or so much thereof as may be included within the limits of each township, to be filed in the office of the proper township clerk or clerks, who shall record the same in the manner now provided by law for recording public highways. Com'r to file survey. &c.

Sec. 8. Said commissioner shall proceed to the outlay of the appropriations made by this act with all the diligence and dispatch compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable pro rata from the said appropriations, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath; thereupon the Auditor General shall issue his warrant to the said special commissioner for the amount of such services, which shall be receivable by the Commissioner of the State Land Office for any of the lands selected and reserved from sale by virtue of section three of this act. Compensation & acc't of com'r, &c.

Sec. 9. This act shall take effect from and after its passage.

Approved March 31, 1848.

No. 157. .

AN ACT to amend an act to establish a Board of Auditors to investigate certain claims growing out of the sales of Primary School Lands, University and Internal Improvement Lands, &c., approved March 24, 1845. .

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of said act be so amended as to read as follows: "It shall be the duty of said board hereafter to meet on the first Monday in February and the first Monday in July in each year at the state land office, and when so convened the board shall proceed to examine into all claims and applications for relief growing out of the sales of the lands aforesaid, which may have been filed with the Commissioner of the State Land Office, at least ten days previous to said meeting, and shall enter a full settlement and adjustment of all such claims and applications for relief as may be Act amend'd

Board of au-
ditors on land
claims.

deemed just and equitable by said board, having in view the interest of the different funds for which the lands aforesaid were originally appropriated, and the just and equitable relief which each particular case may demand : *Provided*, That the decision and awards of said board be first approved by the Governor of this state : *Also provided*, That the provisions of the act hereby amended shall not preclude any person who may find himself or themselves aggrieved by the decisions and awards of said board from applying at any time after such decisions and awards to the legislature for relief in their respective cases, and in no case shall an order be issued for refunding money to the purchasers of any of the lands above mentioned, their heirs or assigns, unless sanctioned by an act or resolution of the legislature : *And provided further*, That whenever any claim for relief shall be filed in the office of said Commissioner as above prescribed, it shall be his duty forthwith to notify the other members of the said board of the same, whose duty it shall be on the receipt thereof to meet at the office of said Commissioner at the stated times above specified to examine into the matter. But in no case shall they be required so to meet unless notified by said Commissioner as above prescribed.

Approved March 31, 1848.

No. 158.

AN ACT for the improvement of a cartain road located in the southern tier of townships in the county of Kalamazoo.

2000 acres
int. imp.
lands appro-
priated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That two thousand acres of internal improvement lands belonging to this state be and the same are hereby appropriated for the purpose of opening and improving a road extending from the quarter post on the east side of section twelve, in town four south, of range nine west, to the village of Vicksburg, so called, on the portage of St. Joseph river.

Special com-
missioner.

Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of this state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sufficient sureties, to be ap-

proved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Sec. 3. The said special commissioner shall have the exclusive control and management of the improvement contemplated in this act, with power to let by contract the working and improvement of said road, to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond with sureties, to be approved by him, conditioned for the faithful performance of the work stipulated in said contract: *Provided*, That before the letting of any such work or improvement, the commissioner aforesaid shall advertise for proposals for opening and improving said road, or any part thereof in separate sections or jobs, describing the same, and cause such advertisement to be published at least three weeks successively in some newspaper printed in the county of Kalamazoo.

Powers and duties of such com'r.

Sec. 4. Whenever any contractor under the preceding sections of this act shall have finished his job according to the terms and conditions of his contract, and the same shall have been accepted by said special commissioner, it shall be the duty of said commissioner to pay said contractor for any such service or work, by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands; and said warrants shall be receivable at the state land office in payment for any lands belonging to the state not otherwise appropriated, at one dollar and twenty-five cents per acre; but no certificate or warrant shall be drawn for any less quantity than forty acres.

Payment of contractors and others.

Sec. 5. Said special commissioner shall proceed in the outlay of the appropriation hereby made with as much diligence and dispatch as shall be compatible with proper economy, and shall render to the Auditor General an account verified by his oath, of all service by him thus rendered, and shall receive for his services a sum not exceeding one dollar and fifty cents per day for the time necessarily employed by him in discharging the duties imposed upon him by virtue of this act, payable from the appropriation hereinbefore made, by the warrant of the Auditor General drawn upon the Commissioner of the Land Office.

Com'r to render acc't to Aud. Gen'l, &c.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

No. 159.

AN ACT appropriating certain internal improvement lands for the purpose of improving the Pontiac and Grand River state road, from the village of Pontiac, in the county of Oakland, to the village of Byron, in the county of Shiawassee.

900 acres
int. imp.
lands appro-
priated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That four thousand acres of the internal improvement lands belonging to this state be and the same are hereby appropriated for the purpose of improving the Pontiac and Grand River state road, one thousand acres thereof to be laid out in the county of Genesee, and three thousand acres thereof to be laid out in the county of Oakland.

Special com-
missioner.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the State is hereby authorized to appoint a special commissioner, who shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office, and file a bond, with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Duties of
com'r.

Sec. 3. The special commissioner shall have the control and management of the improvement of said road, and may superintend the outlay of said appropriation in person, and for that purpose may employ laborers and purchase materials, or he may let out by contract the whole or any portion of said improvement to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the faithful performance of the work stipulated in the contract: *Provided*, That before such letting, the said commissioner shall post up notices in three of the most public places in the township where such work is to be done, at least twenty days before the letting of said job.

Payment of
contractors
and others.

Sec. 4. Upon the completion of any job, and in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased, said commissioner may draw his orders upon the Auditor General, for warrants payable in internal improvement lands, which said warrants shall be received in the state land office in payment for any such lands not withheld from sale or otherwise appropriated: *Provided*, That the aggregate orders so drawn by said commissioner shall not exceed the amount of land hereinbefore appropriated, at one dollar and twenty-five cents per acre.

Sec. 5. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and dispatch compatible with proper economy and the best interests of the state, and shall receive as a compensation for his services a sum not exceeding one dollar and fifty cents per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Compensation of comr and audit of his accounts.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

No. 160.

AN ACT to provide for laying out and improving certain roads in the county of Clinton, and making appropriations of internal improvement lands therefor.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That six thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving certain roads in the county of Clinton, as follows, viz: three thousand acres thereof upon a road to be laid out from the village of Dewitt to the village of Mapleton in the township of Duplane, crossing the line of the northern rail road at or near the residence of Stephen W. Downer; also one thousand acres thereof for the laying out and improving a branch of said last mentioned road commencing at a point where it intersects the northern rail road line, and running thence to the north-east corner of section twenty-five in the township of Essex, and from thence on the most direct and eligible route to a point at or near the centre of the township of Greenbush in said county of Clinton; and also two thousand acres of said land, for the laying out and improving a road from the village of Dewitt, through the German settlement in Westphalia, to Lyons in the county of Ionia, said appropriation to be expended within the limits of the county of Clinton.

6000 acres int. imp. lands appropriated.

Sec. 2. For the purpose of laying out and establishing the said sev-

Special commissioner.

eral roads, and of opening and improving the same by the outlay of the above appropriations, the Governor is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sufficient sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Powers and duties of com'r.

Sec. 3. The said special commissioner to be appointed by the provisions of this act, shall be authorized to lay out and establish the line of the said several roads in this act specified, and shall cause a map and survey of said roads to be made, and shall cause so much thereof, with the proper field notes, as lie within the limits of any township, to be filed for record in the office of the clerk of such township, in the manner now provided by law for recording public highways, and thereupon the same proceedings shall be had for the procuring of the right of way, and for ascertaining and settlement of all claims for damages by any person or persons interested in lands through which either of said roads are laid, as are now provided in like cases of laying out and opening highways by commissioners of highways.

Field.

Sec. 4. The said special commissioner shall, by virtue of his appointment, have the control and management of the improvement contemplated by this act, and shall have power to let out by contract the working and improvement of said roads to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the faithful performance of the work stipulated in said contract: *Provided*, That before such letting of work, the said commissioner shall advertise for proposals for opening and improving said road, or any part thereof, in separate sections or jobs, describing the same; such advertisement to be published at least four successive weeks in a newspaper published at Michigan in the county of Ingham.

Payment of contractors.

Sec. 5. Whenever any contractor under the preceding section of this act shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor or contractors for any such services or work, by his order drawn on the Auditor General for warrants

drawn against and payable in internal improvement lands, which said warrants shall be received at the state land office in payment for any such land not otherwise appropriated : *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a price less than that now established by law, or in a less quantity in any one certificate than forty acres.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch that shall be compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Compensation of com'r and audit and allowance of his account.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

No. 161.

AN ACT to authorize Daniel S. Lee, Charles P. Bush and John Thomas to erect and maintain a dam across the Grand River in the county of Ingham.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for Daniel S. Lee, Charles P. Bush and John Thomas, their heirs and assigns, and they are hereby authorized to erect and maintain a dam not exceeding eight feet in height above common low water mark, across the Grand River on sections twenty or twenty-one, in township four north of range two west, in Ingham county.

Dam across Grand River authorized.

Sec. 2. The owners or occupant of said dam shall construct a good and convenient lock, at least eighty feet long and eighteen feet wide, for the passage of all boats, barges, rafts or other water craft that may navigate said river, and shall be so constructed as to receive such boats and other water craft in slack water of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam, for

Description of dam, lock, &c.

all the purposes of the navigation of said river at all times, whenever the circuit or county court shall order the same to be done, upon good cause shown: *Provided*, That at the time of the construction of said dam there shall be constructed therein or thereat a convenient shute or slide for the passage of all craft navigating said river.

Duties of
owners or
occupants

Sec. 3. It shall be the duty of the owners of said dam at all times to keep said lock in repair, and to pass any water craft through the dam, free of tolls and without unnecessary delay; and any person who shall be detained shall be entitled to recover of the said owners double the amount for the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with costs of suit.

Trespass on
dam, &c.

Sec. 4. Any person who shall destroy or otherwise injure said dam, shall be deemed to have committed a trespass on the owner or owners thereof, and shall be liable accordingly; but nothing in this act contained shall be construed to affect the rights of individuals whose property may be injured by reason of the erection or continuing said dam; and this act may be amended or repealed at any time by the legislature.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

No. 162.

AN ACT to authorize the minor heirs of Sophia Howell, late of Hillsdale county deceased, to convey certain real estate.

Certain mi-
nors may
convey.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Elisabeth G. Howell, William Howell, Sophia E. Howell and Mary A. Howell, infant children under the age of twenty-one years each of Sophia Howell, late of Hillsdale county deceased, are hereby authorized and empowered, under the direction and approval of the judge of probate of Hillsdale county or the presiding judge of the circuit court of said county, which approval shall be endorsed and signed by him on the instrument of conveyance, to convey all the right, title, interest and claim of said infant children, upon such terms and for such consideration, to be paid, se-

cured, or invested to them and each of them and for their benefit, as to such judge of probate or presiding judge of the said circuit court shall seem just and equitable, to Caroline Olds of said county of Hillsdale, in and to "the south-east quarter of the north-east quarter of section number thirty-four, and the west half of the south-west quarter of the north-west quarter of section number thirty-five, township five south of range three west, in the county of Hillsdale, containing together sixty acres;" which conveyance, when so made agreeably to the provisions of this act, by themselves, or by such guardian as shall be appointed for them or either of them for that purpose by the said judge of probate or presiding judge of said circuit court, shall be valid in law to convey all the title and interest of the said Elisabeth G. Howell, William Howell, Sophia E. Howell and Mary A. Howell in said premises to the said Caroline Olds.

Sec. 2. Such conveyance, when so made, may be recorded by the register of deeds of Hillsdale county, as other deeds executed agreeably to the provisions of existing laws.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

No. 163.

AN ACT to empower the judge of probate of the county of Berrien to authorize the sale of certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the judge of probate of the county of Berrien may, in his discretion, authorize and empower John Orr, administrator of the estate of Henry Blondeel deceased, to sell and convey by deed the following described real estate of said deceased, to wit: lot number fourteen (14) in Green and Hoffman's addition to the village of Niles, lying in said county of Berrien: *Provided*, The said judge of probate is satisfied that it is for the interest of all persons interested in said lot to sell the same.

Sec. 2. The said administrator shall, before selling said real estate, take the oath and give the bond now by law required of administrators, on selling real estate of deceased persons.

Sec. 3. The sale to be made by auction, for cash, after giving two weeks public notice, and the money arising from the sale to be loaned on bond and mortgage upon unincumbered real property, worth three times the sum loaned, at interest, by said John Orr; the bond and mortgage to be taken in his name as trustee for the heirs of said Henry Blondeel, deceased.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

No. 164.

AN ACT relative to the filing of oaths of office, and bonds of civil officers, &c.

Certificate
of filing of
certain oaths
and bonds to
be filed with
sec. of state.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That when any civil officer appointed by the Governor or Senate, or by the Governor with the advice and consent of the Senate of this state, is required by law to give bond and to file the same with any other officer than the Secretary of State, he shall procure the certificate of such officer that such bond has been duly filed with him, and file the same with the Secretary of State.

Sec. 2. When any such officer is required by law to give bond for the faithful performance of the duties of his office, and no provision is made by law for filing the same with any particular officer, such bond shall be filed with the Secretary of State.

Time for fi-
ling oath and
bond.

Sec. 3. Every such officer, except where otherwise directed by law, shall file his oath of office and certificate or bond aforesaid, as the case may be, within sixty days from the receiving of his commission or appointment; and in default thereof, such commission or appointment shall be null and void: *Provided*, That officers appointed in and for the counties of Mackinaw, Chippewa, Schoolcraft, Houghton, Ontonagon and Marquette, shall file their oaths, certificates and bonds provided, as herein within ninety days from their appointment or commission.

Approved April 1, 1848.

No. 165.

AN ACT to provide for laying out and establishing certain state roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Joseph B. Bloss, Peter Miller and Sedgwick P. Stedman be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Flint in the county of Genesee, via. Miller Settlement, Shiawassee town and Hartwellville, to Michigan in the county of Ingham.

Commissioners to lay out road from Flint to Michigan.

Sec. 2. That Charles P. Bush, Orrin Sharpe and Daniel Cook be and they are hereby authorized and appointed commissioners to lay out and establish a state road, commencing at a point at or near the south quarter post of section sixteen in the town of Lansing, county of Ingham, on the most eligible route through the towns of Lansing, Delhi, Aurelius and Onondaga, to the base line, and from thence to the village of Tompkins in the county of Jackson.

Lansing to Tompkins.

Sec. 3. That Joseph Harris, John P. C. Riggs and Corydon Lee be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Fentonville in the county of Genesee, to Byron in the county of Shiawassee, by the way of the village of Linden, on the most eligible route.

Fentonville to Byron.

Sec. 4. That there shall be laid out and established a road in the counties of Ottawa and Kent, commencing at Mill Point (so called) in the township of Norton in the county of Ottawa, and running thence eastwardly on the north side of Grand River to Grand Rapids in the county of Kent, and William M. Ferry, of Grand Haven, and Israel V. Harris, of Polkton, Ottawa county, and George L. Norton, of Walker, Kent county, are hereby appointed commissioners to lay out and establish said road, and are vested with full powers for said purpose.

Mill Point to Gr'd Rapids.

Sec. 5. The expense of laying out said roads shall in no way be chargeable to the state of Michigan.

State not liable for expense.

Sec. 6. It shall be the duty of the commissioners appointed by this act to lay out and establish the several roads, to cause a map to be made of so much of the same as shall be laid through each township, with the courses and distances plainly designated thereon, which shall be certified by them, or a majority of them, and recorded in the office of the township clerk of the township through which it shall run.

Duties of com'rs.

Damages assessed, &c.

Sec. 7. The owners of lands through which said roads may pass shall be entitled to an appraisal and assessment of damages, and to compensation therefor, in the same manner, in every respect, as if such road was laid out by highway commissioners of the township through which the same may run.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved April 1, 1848.

No. 166.

AN ACT to provide for laying out and establishing certain state roads.

State road from Byron to Lansing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Harvey T. Lee, of Byron, John Thomson and James M. Cummings be and they are hereby authorized and appointed commissioners to lay out and establish a state road on the most eligible route from the village of Byron in the county of Shiawassee, to the capital of this state.

Marshall to Lansing.

Sec. 2. That David H. Miller, Henry A. Shaw and John D. Olcott be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Marshall in the county of Calhoun, by the way of Duck Lake and Eaton Rapids, to the capital of this state.

Flint to Lansing.

Sec. 3. That Alexander McArthur, Jonathan M. Hartwell and Luke H. Parsons be and they are hereby authorized and appointed commissioners to lay out a state road from the village of Flint in the county of Genesee, by the way of the village of Corunna in the county of Shiawassee, to the capital of this state, or to such other point, touching any road leading to the capital, as the said commissioners or a majority of them may deem proper.

Corunna to Shiawassee town.

Sec. 4. That J. B. Bloss, Simon Z. Kinyon and Isaac Castle be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Corunna in the county of Shiawassee, on the most eligible route to a point at or near where the present traveled road leading from said village of Corunna to Shiawassee town, touches the Shiawassee river.

Sec. 5. That James Seymour, Alexander McArthur and Luke H. Parsons be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Corunna in the county of Shiawassee, on the most eligible route to the village of Flushing in the county of Genesee. Corunna to Flushing.

Sec. 6. The expense of laying out said roads shall in no way be chargeable to the state, and the acts of a majority of said commissioners herein appointed to lay out and establish the several roads authorized to be laid out and established, shall be valid. State not liable, &c.

Sec. 7. It shall be the duty of the commissioners appointed by this act to lay out and establish the several roads, to cause a map to be made of so much of the same as shall be laid through each township, with the courses and distances plainly designated thereon, which shall be certified by them, and recorded in the office of the township clerk through which it shall run. Duty of com'rs.

Sec. 8. The owners of lands through which said road may pass, shall be entitled to an appraisal and assessment of damages, and to compensation therefor in the same manner in every respect as if such road was laid out by highway commissioners of the township through which the same may run. Damages.

Sec. 9. It shall be the duty of the commissioners of highways in the several townships through which the several roads may pass, to open and work said roads in the same manner, and by virtue of the same law, as township roads are required to be opened and worked : *Provided*, That the right of way first be obtained as provided in this act. Duty of highway com'rs.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved April 1, 1848.

No. 167.

AN ACT to incorporate the New England Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Garwood T. Sheldon, J. P. C. Emmens, of Michigan, and Amos Thompson, of Boston, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the New England Mining Company, for the Incorporat'n

purpose of mining, smelting and manufacturing ores, minerals and metals in the state of Michigan.

Capital stock
real estate,
&c.

Sec. 2. The said company shall have corporate succession, and its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the state of Michigan, as the business of said company may require, to an amount not exceeding the capital stock of said company.

Officers.

Assessment
on shares.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof; a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe.

State tax.

Annual re-
port.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be estimated on the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said state tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all other state taxes upon the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the State Treasurer accordingly.

1st meeting.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 6. Said company shall be subject to the provisions of chapter fifty-five, title ten of the revised statutes of A. D. eighteen hundred and forty-six, so far as the same are applicable. General provisions.

Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgment or decrees, liens or mortgages against said company. Lien of inhabitants.

Sec. 8. This act shall be and remain in force for thirty years ; but nothing herein contained shall be construed to give the said company any banking powers or banking privileges, dealing in brokerage or exchange, in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act. Duration of charter.

Approved April 1, 1848.

No. 168.

AN ACT to incorporate the National Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George W. Rogers, James Andrews, Morgan L. Drake, James A. Weeks, Henry B. Marsh, and such other persons as may become associated with them, are hereby constituted a body corporate, by the name of the National Mining Company, for the purposes of mining, smelting and manufacturing ores, minerals and metals ; and as such body corporate shall have continual succession, and be capable of sueing and being sued in any of the courts of this state. Incorporation

Sec. 2. The said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable. Subject to general laws

Sec. 3. The capital stock of said company shall consist of three hundred thousand dollars, to be divided into six thousand shares of fifty dollars each. The said company may make assessments upon the shares of stock, and forfeit and sell the same for non-payment of such assessment, in such manner as the by-laws may prescribe. Said company may at any meeting thereof make and adopt such orders, Capital stock &c.

regulations and by-laws, not inconsistent with the laws of this state, as it may deem proper for the business and government of the company.

Officers.

Sec. 4. The officers of said company shall consist of a board of five directors, and such other officers as said board shall, pursuant to the by-laws, appoint. One of said board of directors shall be a citizen and resident of the State of Michigan, upon whom service of all process against the company may be made, and shall be deemed sufficient service upon the company. Said board of directors shall hold their office for one year, and until their successors shall be appointed or elected.

Meetings of stockholders.

Sec. 5. All annual and other meetings of said company shall be held at such time and place, and be called in such manner, as the by-laws shall prescribe. All vacancies in the said board of directors shall be filled, and said directors or any of them may be removed in such manner as the by-laws shall direct, and at all meetings of said company each share of the stock shall be entitled to one vote, which may be made by proxy.

Lien of inhabitants of this state.

Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgment or decrees, liens or mortgages against said company.

State tax.

Annual report.

Sec. 7. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent on the whole amount of capital actually paid in upon the capital stock of said company, and upon all sums of money borrowed by said company, until the same shall be paid, which tax shall be paid on or before the first Monday in July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose said company shall, on the first day of January in each year, or within fifteen days thereafter, make a return to the State Treasurer, under oath, stating the amount actually paid in on the capital stock of said company, and the amount of unpaid borrowed money by said company, which tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company; and any investment

of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required.

Sec. 8. The persons named in the first section of this act shall be the first directors of said company, and George W. Rogers shall be the first president. The first meeting of said company shall be held at such time and place as any three of said directors may appoint, of which thirty days' notice shall be given in one or more newspapers printed in the county of Oakland. Officers.

Sec. 9. Nothing in this act shall be construed to confer on said company any banking powers or banking privileges whatever, or for any transaction in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act. Restrictions.

Sec. 10. The said company shall keep an office for business within the State of Michigan, the location of which shall be from time to time, as the same may be changed, certified by the president of the company to the Secretary of State, and within one month after such location shall be made; and all process against said company may be served upon the person having charge of the books, papers and business of such office, and which shall be deemed a sufficient service upon said company. Business office.

Sec. 11. This act shall take effect and continue in force for thirty years from and after its passage. Duration of charter.

Approved April 1, 1848.

No. 169.

AN ACT to incorporate the Ann Arbor Manufacturing Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That James Kingsley, Jonathan H. Lund, Frederick Richmond and Sumner Hicks, their associates and successors, are hereby enacted for the time of fifty years, a body corporate by the name and title of the Ann Arbor Manufacturing Company, for the purpose of manufacturing woolens and woolen and cotton cloths in the village of Ann Arbor and county of Washtenaw, ca-* Incorporation.

pable of exercising all the powers, entitled to all the privileges and subject to all the requirements specified in chapter fifty-five of the revised statutes.

Officers.

Sec. 2. Said corporation shall have a treasurer, who shall be a resident of this state, and upon whom service of any process against said company shall be made, and the same shall be deemed a valid service thereof upon said Ann Arbor Manufacturing Company, and such other officers and agents as the members of said company may determine to be appointed, in such manner and for such term as the by-laws of said corporation may prescribe. The treasurer shall be sworn to the faithful discharge of his duty.

Capital and real estate.

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, which shall be numbered and registered, and the certificates issued by the treasurer to the person entitled to receive the same. Twenty-five thousand dollars of said capital stock may consist of real estate, which said corporation is hereby authorized to acquire, hold and convey.

Assessments on stock.

Sec. 4. Said corporation may at any regular meeting called for that purpose, assess upon each share such an amount as the company shall deem proper, not exceeding in the whole the nominal amount of said share, and such sum so assessed shall be paid to the treasurer at such times, and in such manner as the corporation shall direct.

Indebtedness of company.

Sec. 5. The whole amount of debts which said company shall owe at any one time shall not exceed the amount of the capital stock actually paid in.

Annual report.

Sec. 6. On or before the first Tuesday of January in each year it shall be the duty of the treasurer of said company to make a report to the Secretary of State, verified by oath, showing the amount of their capital stock paid in, and the amount of all its debts and liabilities.

Lien of inhabitants.

Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars, against said company, originally incurred or contracted within this state, which shall take precedence of all other claims, judgments or decrees, liens or mortgages against said company.

Sec. 8. This act shall take effect from and after its passage.

Approved April 1, 1848.

No. 170.

AN ACT to establish a state road from the village of Fentonville, in Genesee county, to Springfield, in Oakland county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That David Smith, Daniel Donaldson and Francis Baker, be and they are hereby appointed commissioners to lay out and establish a state road from the village of Fentonville, in the county of Genesee, to Springfield, in the county of Oakland, upon the most direct and eligible route. Com'rs to lay
cut road.

Sec. 2. The commissioners named in this act shall file the surveys of so much of the above mentioned road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township; and it is hereby made the duty of the township clerks in the said townships to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded, and post the notices as required by law. Duties of
com'rs.

Sec. 3. The state shall in no case be chargeable with the expense of laying out and establishing said road, and in case the said road shall not be surveyed and recorded as herein provided, within two years from the passage of this act, the provisions contained in this act shall be void. State not li-
ble.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1848.

No. 171.

AN ACT to change the names of certain religious societies.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of the First Presbyterian Society of the village of Dexter, is hereby changed to that of the First Congregational Society of said village.

Sec. 2. That the name of the First Baptist Society of the town of Bristol in the county of Lapeer, is hereby changed to the First Baptist Society of the township of Almont.

Approved April 1, 1848.

No. 172.

AN ACT to extend the time for perfecting sales on property levied upon for delinquent taxes for the year eighteen hundred and forty-seven in the village of Pontiac.

Duties of
marshal of
Pontiac.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the marshal of the village of Pontiac be and he is hereby authorized to make advertisement and sale of all non-resident lands in the village of Pontiac delinquent for the taxes of the year eighteen hundred and forty-seven, levied by virtue of the charter and by-laws of said village, in pursuance of the charter of said village and the by-laws of the same, and the same shall have the effect and force of advertisements and sales perfected by virtue of the said charter and by-laws: *Provided*, Such advertisements and sales are perfected within sixty days from the expiration of the term of office of said marshal.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1848.

No. 173.

AN ACT to provide for funding the outstanding internal improvement warrants of this state and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds.

Bonds to be
issued on
surrender of
internal imp.
warrants.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That upon the surrender of any outstanding warrants on the internal improvement fund, at the state treasury, the holder thereof shall be entitled to receive from the Governor of this state, certificates of stock or bonds for the amount due on said warrants with the interest computed up to the first day of January next.

Denominat'n
of bonds,
when pay-
able.

Sec. 2. The stock provided for in the first section of this act, shall be issued in bonds of fifty, one hundred, two hundred, five hundred and one thousand dollars, at the option of the party surrendering the warrants therefor; said bonds shall be drawn payable, principal and interest, at the state treasury; they shall be made payable and redem-

able on the first day of January, eighteen hundred and seventy, and shall bear interest at the rate of six per cent. per annum, from the first day of January eighteen hundred and forty-nine, payable semi-annually on the first day of July and January thereafter, until the maturity of said bonds or the redemption of the principal: *Provided*, That the legislature may at any time after the first day of January, eighteen hundred and fifty, determine by law that said bonds or any portion thereof, designating the same by their respective amounts, dates and numbers, shall be redeemable forthwith or at any definite period prior to the first day of January, eighteen hundred and seventy.

Sec. 3. Whenever there shall be in the state treasury any funds applicable to the redemption of said bonds, and set apart for that purpose by the legislature, under the provisions of the preceding section, the State Treasurer shall cause a notice to be given in the State paper for eight weeks successively, that the bonds, (describing them particularly by amounts, dates and numbers,) designated by the act of the legislature last aforesaid, will be redeemed on presentation at the state treasury, in specie or its equivalent; and interest on any such bonds, if not sooner presented, shall cease at the expiration of two months from the date of the first publication of said notice.

When state treasurer to give notice, &c. for redemption of bonds, &c.

Sec. 4. Upon the surrender of any of said warrants under the provisions of the first section of this act, the State Treasurer shall cancel the same, and the fact of such cancelment, together with the amount of the new bonds to be issued for each parcel so canceled, shall be certified to the Governor by the State Treasurer and Auditor General, and for such fractional sums less than fifty dollars, as may be found due on any parcel of warrants so surrendered, the Auditor General shall draw a warrant on the internal improvement fund.

Duties of treasurer & aud. general

Sec. 5. All the bonds issued under the preceding sections of this act, and the coupons of the same as they severally became due, shall be receivable for any of the following lands not reserved from sale or otherwise appropriated, viz: internal improvement lands, state building lands, asset lands, salt spring lands, and for university lands, to the amount now authorized by law to be received in internal improvement warrants for the said university lands: *Provided*, That upon the reception and payment of any such bonds, the coupons not due shall remain attached thereto, or the amount of any coupon not due, which

Bonds receivable in payment for lands.

shall be detached therefrom shall be deducted from the principal of any such bond or bonds.

Treasurer to pay up and cancel certain coupons Sec. 6. The State Treasurer is hereby authorized to pay up and cancel the coupons falling due in January and July annually upon the bonds, by the preceding sections of this act authorized to be issued, from any moneys to the credit of the general fund, subject, however, to the same conditions and restrictions as those contained in the act to provide for the payment of interest on the liquidated portion of the five million loan, approved January twenty-ninth, eighteen hundred and forty-eight.

Duties of aud. general Sec. 7. It shall be the duty of the Auditor General, at the time of estimating any deficiency in the appropriate funds to meet the interest falling due and payable under the provisions of the act to liquidate the public debt and to provide for the payment of the interest thereon, approved March eight, eighteen hundred and forty-three, to add to such deficiency the amount of coupons and interest then due and unpaid upon all the outstanding bonds authorized to be issued under the provision of this act, and also to add to such deficiency the amount of coupons and interest then due and unpaid upon all the outstanding stock or bonds authorized to be issued under the provisions of the acts as follows, to wit: "an act to provide for the relief of the Palmyra and Jacksonburg rail road company," approved June twenty-two, eighteen hundred and thirty-seven, and "an act to provide for the relief of the Detroit and Pontiac rail road company," approved March fifth, eighteen hundred and thirty-eight, without deducting therefrom any sums that may have been paid on account of said coupons and interest as mentioned in the preceding section, out of the general fund ;

Preamble. *And whereas,* The holders of the part paid five million loan bonds, being the outstanding portion of the three million eight hundred and thirteen thousand dollars of the five million loan and other bonds delivered to the United States Bank and Morris Canal and Banking Company, and referred to in the preamble to the sixth section of the act approved March eight, eighteen hundred and forty-three, above referred to, have not surrendered up the same for adjustment, under the said act of eighteen hundred and forty-three ;

And whereas, Doubts are entertained as to the power of surrendering under said act, a part only of said bond, and as the legislature, by

"an act to authorize the sale of the Central rail road and to incorporate the Michigan Central rail road company," approved March twenty-eight, eighteen hundred and forty-six, did reduce the rate of damages claimed from twenty-five per cent to three per cent on the unpaid portion of said bonds, and did determine the precise amount recognized to be due upon said bonds respectively ; now, therefore, for the purpose of a full and final adjustment and funding of the same,

Sec. 8. *Be it further enacted*, That upon the surrender at the treasury of this State of any of the said part paid five million loan bonds still outstanding, the holder of the same shall be entitled to receive from the Governor of this State, certificates of stock or bonds at the rate of four hundred and three dollars and eighty-eight cents on each one thousand dollars of said bonds, for principal and interest due thereon the first day of January, eighteen hundred and forty-six, and adding for subsequent interest at the rate of six per cent per annum, on three hundred and two dollars and seventy-three cents for each thousand dollars of said bonds, to be computed up to the first day of January next after the surrender thereof: *Provided*, The coupons since July, eighteen hundred and forty-one, shall remain attached thereto : *Provided further*, That in case any of the coupons falling due on any of the said bonds between the first day of July, eighteen hundred and forty-one, and the maturity of the bond or bonds, shall not be delivered to the State Treasurer with the bonds to which they belonged, there shall be deducted from the amount authorized to be issued in new bonds under the preceding section, the sum of nine dollars and eighty cents for each coupon removed from a bond of one thousand dollars, and twenty-seven dollars and twenty-four cents for each coupon removed from a bond of three thousand dollars.

Sec. 9. The stock to be issued under the provision of the preceding section, may be issued in bonds of one thousand dollars, as far as practicable ; said new bonds shall be drawn payable, principal and interest, at such place in the city of New York as the Governor shall designate ; they shall be made redeemable respectively at the time fixed for the maturity of the original part paid bond, upon the surrender of which they are issued, and shall bear an interest of six per cent per annum from the first day of January next, after the surrender of the said part paid bond, and be payable semi-annually on the first

When bonds to be issued.

Denominations of bonds, when payable, &c.

days of July and January thereafter until the maturity of said bonds, or the redemption of the principal.

Cancelment
of old bonds,
&c.

Sec. 10. Upon the surrender of any such original part paid bond, under the provisions of the two last preceding sections of this act, the State Treasurer shall cancel the same, and the fact of such cancelment, together with the amount of new bonds to be issued therefor, shall be certified to the Governor by the said Treasurer and Auditor General.

Form and
requisites
for bonds.

Sec. 11. All bonds to be issued under the provisions of this act, shall be issued in the usual form, under the great seal of the state, signed by the Governor, and countersigned by the Secretary of the State, and a register of their numbers, dates, amounts, and the names of the persons to whom issued, shall be kept by the State Treasurer, distinct from all other class of state indebtedness, in a book to be provided for that purpose.

Holders of
said bonds
to be entitled
to claim of
state on U. S.
Bank & Mor-
ris Canal
Banking Co.

Sec. 12. The holders of said bonds shall be entitled to demand and receive from the United States Bank, and Morris Canal and Banking Company, in sums proportionate to the amounts of their respective bond; whatever may be due from the said United States Bank and Morris Canal and Banking Company, or either of them, to this state, growing out of the negotiation with said institutions or either of them, of the five million loan bonds aforesaid: *Provided*, That nothing herein contained shall be construed as any recognition on the part of this state of its indebtedness upon the said five million loan bonds beyond the amount heretofore acknowledged by this state to have been received upon said bonds. A clause embodying the substance of this section shall be inserted in the bonds to be issued under the provisions of section eight of this act.

Sec. 13. This act shall take effect from and after its passage.

Approved April 1, 1843.

No. 174.

AN ACT to provide for the completion of the capitol buildings, and for the improvement of the capitol grounds, and making appropriations therefor, and for the erection of a bridge and improvement of streets on a portion of the town plat of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That the sum of three thousand six*

hundred and fifty dollars be and the same is hereby appropriated, to be drawn from the state building fund, for the purpose of paying the excess of expenses already incurred over the previous appropriation therefor, and also for the completion and preservation of the capitol buildings, and the improvement and fencing of the capitol grounds, to be expended under the supervision of the Auditor General.

Appropriat'n
to be expen-
ded by aud.
gen'l.

Sec. 2. For the purpose of making a purchase and procuring a conveyance to the state of thirty acres of land for the use and benefit thereof, as selected by the acting commissioner to locate the capitol, and described upon the plat of the town of Michigan as blocks Nos. 91, 100, 101, 111, 112 and 249, the State Treasurer is hereby authorized, out of any moneys in the treasury belonging to the state building fund, not otherwise appropriated, to pay to the Commissioner of the State Land Office the sum of one dollar to the credit of the primary school principal fund, and the said commissioner is hereby required, upon the receipt of said sum to issue to the state in the name of the State Treasurer, a certificate of purchase of said lands, and upon the receipt of said certificate, the Governor shall make to the state a patent for said lands, and cause the same to be recorded by the county register, and thereafter filed in the office of the Secretary of State.

State treas-
urer to pur-
chase cert'n
blocks, &c.

Sec. 3. For the purpose of providing for, and promoting the erection of school houses, churches and asylums for the insane, deaf, dumb and blind, and for setting apart suitable grounds for cemeteries, in the said town of Michigan, the Commissioner of the State Land Office is hereby authorized to make a selection from lots and blocks belonging to the school fund or to the state, of so much ground as may be necessary for the above purposes, to be located in such parts of the town of Michigan as will best promote the public convenience, enhance the value of the other school lands upon said plat, and increase the interest of the state therein ; and thereupon the said commissioner is authorized to designate such selections upon the plat of Michigan, and withhold the same from sale until a law shall hereafter be passed directing specific donations thereof for the purposes of schools, churches, asylums and cemeteries, as aforesaid : *Provided*, The said commissioner may in his discretion lease any of the grounds so reserved at a nominal rent, to be occupied and used for any of the above purposes, and until a donation thereof shall be directed as above provided.

Appropriat'n
for school
houses, &c.

Improvement
of streets, &c

Sec. 4. In order to make the necessary provisions for the improvement of streets and side walks upon the grounds designated in the second section of this act, and the school lands within said town of Michigan, and to provide for the erection of a bridge across the Grand River, at the foot of Michigan Avenue, and to lay out a road from the east end of Michigan Avenue, in an easterly direction until it shall intersect the Grand River Road; and also to improve the said avenue and road from the said bridge to the Grand River Road, five thousand acres of internal improvement lands are hereby appropriated. The Auditor General is hereby authorized to take the supervision of said improvements, and shall proceed to let contracts to the best advantage, and approve the same when properly completed, and thereupon issue warrants drawn against and payable in internal improvement lands not otherwise appropriated, which shall be receivable by the Commissioner of the Land Office in payment for the lands hereby appropriated, at the rate of one dollar and twenty-five cents per acre.

Office of acting
com'r
abolished.

Sec. 5. That the office of acting commissioner created under and by virtue of the act to provide for the removal of the seat of government of this state and for other purposes, approved March sixteenth, eighteen hundred and forty-seven, be abolished from and after the twentieth day of April next.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 1, 1848.

No. 175.

AN ACT to incorporate the Detroit Union Society of Carpenters and Joiners.

Incorporat'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That A. H. Dodge, Joseph M. Morris, John McCurdy, Nelson Marsh, Daniel Story, Robert W. Warner, Alexander Ameline, Lyman B. Millard, John Winchel, Israel Dirlfenderfer, Anson Morris, Robert Wyckoff, Augustus Cuson, Samuel Freeman, and such other persons as may from time to time become members of said society, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name,

under the name of the Detroit Union Society of Carpenters and Joiners, and by that name they and their successors shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending, and being defended in all suits, complaints, matters and causes whatsoever, ^{Powers of company.} either in law or equity, of having a common seal, of enacting all by-laws for the regulation of the officers and members of said society, of acquiring by gift, devise, purchase or otherwise, and of holding and conveying any real, personal or mixed estate whatsoever necessary and proper for the objects of this incorporation : *Provided*, The same shall at no time exceed the sum of twenty-five thousand dollars ; and they and their successors shall have power to make such by-laws, ordinances and regulations as they shall judge proper for the election of their officers, for the election or admission of new members, and the terms and manner of admission ; for the better government of their officers and members, or for fixing the times and places of meeting of said corporation ; for the purchase, regulation and management of a library ; the relief of their own distressed or disabled members, and for regulating all the affairs of the said corporation.

Sec. 2. For the better carrying into effect the objects of the corporation, there shall be a president, a vice president, a recording and a corresponding secretary, a treasurer, four directors and a messenger, whose duties shall be prescribed in the by-laws of said corporation. ^{Officers.}

Sec. 3. There shall be an annual meeting of the society on the first Thursday in January of each year, at which time there shall be an election of officers, who shall be elected by a majority of the members present, and shall hold their offices for one year, or until others be chosen in their places : *Provided*, That in case it shall at any time happen that an election of officers shall not be made on the day aforesaid, the said corporation shall not be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to the public notice given in one or more papers printed in the city of Detroit, at any time within one year from and after the day of the annual meeting as required to be holden by the provisions of this act. ^{Annual meeting}

Sec. 4. That of the Detroit Union Society of Carpenters and Joiners, A. H. Dodge shall be president, Joseph M. Morris, vice president, ^{1st board of directors.} John McCurdy, recording secretary, Nelson Marsh, corresponding

secretary, Daniel Story, treasurer, and Robert W. Warner, Michael Scur, Alexander Ameline and Lyman B. Millard, directors, and John Winchel, messenger, who shall hold their offices until the first Thursday in January, A. D. 1849, or until others shall be chosen in their stead according to the provisions of this act.

Repeal, &c. Sec. 5. This act may be altered, amended or repealed by any future legislature, with the assent of at least two-thirds of the members of each house.

Restrictions. Sec. 6. It shall not be lawful for said company to use their funds or any part thereof in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those herein particularly specified.

General provisions. Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, as far as the same are applicable.

Approved April 1, 1848.

No. 176.

AN ACT to amend an act entitled "an act relative to plank roads," approved March thirteen, eighteen hundred and forty-eight.

Act amend'd Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section ten of "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, be amended by inserting after the words "may be served," the words "on the presiding officer, the secretary, the treasurer thereof, or."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1848.

No. 177.

AN ACT to regulate and define the jurisdiction of the circuit and county courts.

How of judges of supreme court, &c. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supreme court shall consist

of five judges, one of whom shall be styled the chief justice, and the other four, associate justices.

Sec. 2. The judges of the supreme court shall, within thirty days after the passage of this act, meet together and divide the state into five judicial circuits, in such manner as best to equalize the duties of the judges thereof, and so that the fifth circuit shall be made up of counties in the Grand River section of the state.

Judges to divide state into 5 circuits.

Sec. 3. Each of the justices of the supreme court shall, at least twice in each year, except in the cases otherwise provided for by law, hold a circuit court in each of the counties designated in his appointment, and in the performance of such duties shall be denominated circuit judge.

Each justice to hold circuit court.

Sec. 4. The several county courts shall hereafter have and exercise exclusive original jurisdiction in all matters at law, civil and criminal, except in those cases, civil and criminal, which are by law made cognizable before justices of the peace, and except also as is hereinafter provided ; and they shall also have a concurrent jurisdiction with the circuit courts in equity for the foreclosure of mortgages.

Jurisdiction of county courts.

Sec. 5. In any civil action where the plaintiff's demand, or in cases of ejectment, where the value of the property exceeds the sum of five hundred dollars, he may at his election commence such action in the circuit court of the proper county ; such action, however, shall be commenced and prosecuted in the same manner, and all the proceedings therein shall be the same, as if it had been commenced and prosecuted in the county court, so far as the same may be practicable.

Concurrent jurisdiction of circuit & co. courts.

Sec. 6. Whenever, in the opinion of the judge of the county court, the prosecuting attorney and county clerk, or in the opinion of a majority of them, it shall be proper to have a grand jury, an order to that effect shall be entered in the journal of said court, which order shall specify the time at which such grand jury shall be returned in said court. Upon such order being made, the clerk shall draw from the grand jury box the names of twenty-three persons to serve as grand jurors. Hereafter no grand jury shall be summoned in the circuit court.

When and by whom grand jury to be ordered.

Sec. 7. Any person indicted for a crime punishable by imprisonment in the state prison, may request to be tried before the judge of that judicial court of the county in which such indictment is found.

Prison'r may elect to be tried by circuit judge, &c.

Upon such request being made, the clerk shall make an entry thereof in his journal ; whereupon such cause shall be continued to the next regular term of the circuit court of said county, and such request shall be by the clerk of said circuit court noted upon his docket. At the first day of said term the circuit judge shall assign a day certain for the trial of said cause, and give notice thereof to the prosecuting attorney and county judge ; and upon the trial of said cause in the county court, the circuit judge shall preside, and in case of conviction he shall pass sentence upon the respondent. The county judge shall, three days previous to the day assigned for said trial, make an order for the summoning of a petit jury for the trial of such cause, the number of which shall be fixed in said order, and shall not be less than twelve nor more than twenty-four. Upon such order or a copy thereof being given to the sheriff, he shall summon from among the persons qualified to serve as jurors in his county, the required number.

Petit jury,
to be sum-
moned, &c.

Sec. 8. Whenever after the session of a grand jury it shall be deemed proper by the county judge to have a petit jury summoned, he shall cause an order therefor to be entered upon the journals of the court, which order shall specify the number of petit jurors, and which shall not be less than twelve nor more than twenty-four, and the time at which said jury is to be returned. Upon such order being made, the clerk shall draw from the petit jury box the names of persons equal to the number mentioned in the order, who shall be summoned in the manner now required by law. In the trial in the county court of criminal causes, the mode of proceedings shall be the same as heretofore in practice in the circuit court in like cases, as near as may be practicable. Hereafter no petit jurors shall be summoned in the circuit court, except in cases hereinbefore mentioned.

Transfer of
causes.

Sec. 9. All causes pending in the several circuit courts at the time when this act shall take effect, except certiorari and cases in chancery, shall be transferred to the county courts of the respective counties ; where such causes are not at issue, the same pleadings and proceedings shall be had in them, as far as the same is practicable, as are provided for cases commenced in the county courts, and where said causes are at issue the same shall be tried in the manner now provided for the trial of causes in the county courts ; and for the purpose of the transfer of said causes, nothing more shall be necessary than

the attendance in the county court of the clerk of the county, with the papers, files, records and proceedings in such causes : *Provided*, That ^{Proviso.} in any of the cases pending, the plaintiff or defendant in such action may elect to have the same proceeded in and tried in said circuit court, in which case the pleadings, proceedings and trial shall be the same as near as is practicable to those in the county courts : *And provided further*, That in cases of indictment now pending in the circuit courts where the crime is punishable by imprisonment in the state prison, the respondent may request to be tried in said circuit court, whereupon the same proceedings shall be had as are provided in section seven of this act : *And provided further*, That all motions in arrest of judgment and for new trials now pending in any of the circuit courts shall be heard and determined therein.

Sec. 10. The board of supervisors of each county shall at any regular meeting make an order allowing to the county judge a reasonable compensation for his services for the year in the trial of criminal causes, from which order there shall be no appeal. ^{Salary of co. judge to be fixed by supervisors.}

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 178.

AN ACT supplementary to an act entitled an act to regulate and define the jurisdiction of the Circuit and County Courts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the judges of the supreme court, when they shall have divided the state into five judicial circuits, shall cause a certified statement thereof to be published once a week for four successive weeks in the state paper ; that for the purpose of making such division the said judges may meet together at any time within sixty days after the passage of this act. ^{Statement of circuits to be published by judges of sup. court.}

Sec. 2. The judge of the supreme court, designated in his appointment for the fifth circuit, shall, within sixty days after this act takes effect, fix and appoint the times of holding the several circuit courts within his circuit for the fall terms of the present, and the spring and fall terms of the ensuing year ; after which he shall fix and appoint ^{Judge of 5th circuit to fix times of holding courts.}

the same according to the provisions of chapter eighty-nine of the revised statutes. He shall transmit to the clerk of each county within his circuit, a copy of such appointment of circuits made by him, immediately upon making the same, which shall be filed and preserved by said clerk ; and every such appointment shall be published in the state paper once in each week for four successive weeks, and the last publication thereof shall be at least one month before the holding of any circuit court in pursuance thereof.

Civil actions held within 60 days may be determined.

Sec. 3. In any county in which a session of the circuit court shall be held within sixty days from the passage of this act, all civil actions pending therein may be proceeded in and tried at said session in the same manner as if the act to which this is supplementary had not been passed : *Provided*, That all such actions except certioraries which shall not be tried at such session, shall be and the same are hereby transferred to the county court of such county, unless the plaintiff or defendant shall before the close of such session of the circuit court, elect to have the same tried in the circuit court ; in which case such election shall be in writing, signed by the party or his attorney, and an entry thereof made in the journals of the circuit court.

When certain provisions of act shall take effect.

Sec. 4. All the provisions of the act to which this act is supplementary, which relate to criminal matters now pending in any circuit court, or which may be commenced therein within thirty days after the passage of this act, and the proceedings thereon, the summoning of jurors in the circuit court, and all its provisions which relate to matters in equity, shall be and the same are hereby postponed to the first day of February next, from and after which time said provisions shall take effect : *Provided*, That such provisions relating to criminal matters shall be postponed no longer than may be necessary for the final disposition of any criminal causes which may be pending in said circuit court within the time limited in this act.

Recognizances in criminal cases to be made returnable in the county courts, &c.

Sec. 5. Recognizances in criminal cases taken in pursuance of sections 18 and 19 of chapter 163 of the revised statutes, shall be made returnable in the county court of the proper county, on the first Monday of the month next after the taking of the same ; and such recognizances shall stand continued from time to time until the matter be finally disposed of, unless the court shall think proper to order new recognizances to be entered into.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 179.

AN ACT to amend an act entitled "an act to revive the poor laws repealed by the revised statutes in certain counties."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to revive the poor laws repealed by the revised statutes in certain counties," approved March 17th, 1847, be and the same is hereby amended by striking out of section one of said act the words "Van Buren," and "Calhoun," wherever it occurs in said section one. Act amended

Sec. 2. This act shall be in force from and after its passage.

Approved April 3, 1848.

No. 180.

AN ACT to authorize Betsy Hitchcock and Milton R. Moore to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Betsey Hitchcock, administratrix, and Milton R. Moore, administrator, on the estate of Jesse B. Hitchcock, of the county of Washtenaw, deceased, be and they are hereby authorized and empowered to sell and convey by deed all the right, title and interest which the said Jesse B. Hitchcock had at the time of his decease in the following described land, to wit: the southwest quarter of the south-east quarter of section number thirty-two, in township number four south of range number six east, in the county of Washtenaw: *Provided*, The judge of probate for said county of Washtenaw shall approve of such sale, and endorse his approval on such deed, under his hand and seal of office.

Approved April 3, 1848.

No. 181.

AN ACT for the relief of Nancy Butler.

Preamble.

Whereas, It is represented that Henry R. Butler, late of Macomb county, in the state of Michigan, died in the year A. D. eighteen hundred and thirty-seven, without leaving heirs, and that at the time of his decease, he was seized in fee simple of certain lands hereinafter described, the title in and to which is supposed to have vested in said state of Michigan by escheat on the decease of said Butler :

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all the right, title and interest of the State of Michigan, derived by escheat as aforesaid, in and to the following described tracts and parcels of lands situate in the county of Macomb, to wit : the south half of the south-west quarter and the south-east quarter of the south-west quarter of section twenty-six, in town one north of range twelve east, be and the same is hereby given, granted and conveyed to Mrs. Nancy Butler, widow of said Henry R. Butler, to have and to hold the same to the said Nancy Butler and to her heirs and assigns forever : *Provided*, That nothing in this act shall affect or impair any interest, title or claim of any other person in and to said land or any part thereof.

Sec. 2. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 182.

AN ACT relative to the last Will and Testament of the Rev. Gabriel Richard, deceased.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all the right, title and interest which the people of this state have, or may be supposed to have, by escheat, of, in and to any real estate, acquired by the Reverend Gabriel Richard, after the execution of his last will and testament, and by him held at the time of his death, be and the same are hereby released by the state, and vested in such person or persons, and for such purpose or purposes, as is provided in said last will and testament, as fully and to the same effect in all things, and not otherwise, as if the

said last will and testament were good and valid, to dispose of the estate which the said Richard had at the time of his death.

Approved April 3, 1843.

No. 183.

AN ACT to incorporate the Hillsdale and Indiana Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry Waldron, Chas. T. Mitchell, Joel McCollum, C. W. Ferris, Eason T. Chester and James Fowle, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Hillsdale and Indiana plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Hillsdale and Indiana plank road company, with corporate succession. Incorporat'n

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Hillsdale in the county of Hillsdale, on the most eligible route to some point near the north east corner of the state of Indiana. Route of ro'd

Sec. 3. The capital stock of said company shall be forty thousand dollars, in two thousand shares of twenty dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. Duration of charter, repeal of same, &c.

on the capital stock invested, provided there be no violation of the charter of said company.

General provisions.

Sec. 5. The provisions of an act relative to plank roads, approved March 13, 1848, shall be and are made a part of this act.

Sec. 5. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 184.

AN ACT further to provide for the organization of the Township of Gross Pointe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if for any cause the township of Gross Pointe shall fail to complete its township organization pursuant to existing provisions of law, on the first Monday of April, A. D. eighteen hundred and forty-eight, it shall be lawful for the inhabitants of said township to hold a township meeting on the first Monday of May next, at the same place, and in the same manner, and for the same purposes now provided for by law ; and such organization shall be as valid and effectual for all legal purposes as if the same were completed under existing provisions of law.

Sec. 2. All township officers elected at such meeting, on the first Monday of May next, shall qualify themselves for the discharge of their duties within the same period after their election, and in the same manner as now provided by law in the case of township officers, and the period for making and completing the assessment roll for said township is hereby extended, for all purposes, four weeks beyond the time now fixed by law.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 185.

AN ACT authorizing the district board of fractional school district number one, in the townships of Battle Creek, Emmett and Bedford, in the county of Calhoun, to borrow a certain sum of money.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the district board of fractional school district number one, in the townships of Battle Creek, Emmett and Bedford, in the county of Calhoun, are hereby authorized to borrow, on the credit of said school district, at an interest of seven per cent per annum, and for a term of years not exceeding ten, a sum of money not exceeding twenty-five hundred dollars, for the purpose of building a school house in said district ; and the said sum so borrowed shall not be applied to any other use or purpose than in building said school house.

Dist. board may borrow certain moneys.

Sec. 2. Whenever said district board shall have obtained said sum of twenty-five hundred dollars, or any part thereof, for the purpose above specified, the same shall be paid into the treasury of the township of Battle Creek, to be drawn by the said boards for the purpose above specified, in the same manner and under the same restrictions as is provided for in case of other money in the treasury, agreeably to chapter fifty-eight of the revised statutes.

Loan to be deposited in township treasury.

Sec. 3. That said district board are hereby authorized, and it is made their duty, to provide for the payment of such money, whether principal or interest, that may accrue under the aforesaid loan, in the same manner as is provided for in case of other contingent expenses of the district.

Payment of loan.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 186.

AN ACT to authorize Luther B. Hill and Porter S. Pennel to build a dam across the Thornapple River, on section thirty-one, township four, north of range nine west, in the county of Barry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Luther B. Hill and Porter S.

Dam authorized.

Pennel, their heirs and assigns, are hereby authorized to erect and continue on their own lands or on the land of others, by the consent of the owners thereof, a dam across the Thornapple river, on section thirty-one, township four, north of range nine west, in the county of Barry : *Provided*, They or the the occupant of said dam, shall construct thereon a good and convenient lock for the safe passage of boats, rafts or other water craft, whenever the county or circuit court having jurisdiction in said county, shall order the same to be done upon good cause shown.

Trespass on dam or lock.

Sec. 2. Any person who shall destroy, or in any way injure said lock or dam, shall be deemed to have committed a trespass upon the owners thereof, and be liable to action accordingly ; and any person who shall wilfully and maliciously destroy, or injure said lock or dam, shall be guilty of a misdemeanor, and on conviction thereof, be punished by fine or imprisonment or both in the discretion of the court.

Duties of owner and occupant.

Sec. 3. It shall be the duty of the owners or occupants of said dam, at all times, to keep, as contemplated by this act, said lock in repair, and to pass any water craft through the same free of toll and without unnecessary delay ; and any person who shall be so detained shall be entitled to recover of said owners or occupants double the amount of the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with cost of suit.

Rights of persons.

Sec. 4. Nothing herein contained shall authorize the individuals named in the first section of this act, their heirs or assigns, to enter upon or flow, or otherwise injure the land of any person or persons, without the consent of such person or persons ; and the legislature may at any time hereafter alter, amend or repeal this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 187.

AN ACT to establish an asylum for the deaf and dumb and the blind, and also an asylum for the insane, of the state of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be established in this

state institutions under the title and style of the "Michigan Asylum for the Educating the Deaf and Dumb and the Blind," and "Michigan Asylum for the Insane," and that eight sections of the state salt spring lands, be and is hereby appropriated for the erection of suitable buildings therefor.

Appropriation of saline lands for asylum for deaf and dumb, &c.

Sec. 2. The government of said asylums shall be vested in a board of trustees, to consist of five members, who shall be elected annually by the legislature of this state in joint convention: *Provided*, The Governor shall have the authority to appoint the first trustee under this act.

Trustees.

Sec. 3. The trustees authorized pursuant to the foregoing section, shall constitute a body corporate with the name and title of the "Trustees of the Michigan Asylums," with the right as such of suing and being sued, of making and using a common seal, and altering the same at pleasure.

Trustees incorporated.

Sec. 4. It shall be the duty of the above named trustees to meet at such time and place as the Governor shall appoint, and elect of their own body a treasurer and clerk, who shall hold their offices one year and until their successors are chosen and qualified.

Treasurer and clerk.

Sec. 5. Said trustees shall meet once in every three months, on their own adjournments, or oftener if they deem it advisable; have power to pass such by-laws and adopt such rules and regulations for the management and control of the institution, as they may deem just and right.

Meeting of trustee's, their powers and duties.

Sec. 6. The trustees shall have power, and it shall be their duty to enact laws for the government of said asylums, and also to appoint a principal for each institution, whose respective salaries shall not exceed eight hundred dollars per annum, and who shall nominate for the action of the board of trustees all necessary subordinate officers, who may be dismissed by said respective principals for inefficiency or misconduct; but in case of every removal a detailed statement of the causes shall be reported to the board of trustees by the principal making the removal.

Ibid.

Sec. 7. The trustees shall be the judges of the ability of the candidate of this state for admission, to defray his or her expenses, and shall require the parent or guardians in all cases to pay the necessary expenses where they possess the ability, otherwise the same to be defrayed

out of the asylum funds. They shall likewise admit into either institution candidates from any other state: *Provided*, The necessary expenses be defrayed by the parents or guardians of such persons.

Annual re-
port.

Sec. 8. The board of trustees shall make out annually and report to the legislature, a detailed statement of the operations of said institution.

Expenses.

Sec. 9. The expenses necessarily incurred by such trustees in the discharge of their duties shall be reimbursed to them to be paid as the other expenses of the institution.

Sec. 10. Said board when organized, is hereby authorized to receive proposals for donations of lands, money or other materials for the location and building of such asylums, and upon receiving a title of any lands, or the delivery of any money, materials, bonds or other security for such purpose, to and in behalf of the state for the benefit of such asylums.

Acting com'r

Sec. 11. The board of trustees shall appoint one of their number as acting commissioner, whose duty it shall be to make immediate selection of the lands hereby appropriated, and file a notice of such selection with the Commissioner of the State Land Office, which lands shall thereupon be under the exclusive control of the board of trustees, who shall have power to order the sale of such portions, from time to time, under the supervision of the Commissioner of the State Land Office, as they may deem proper, and for the best interests of the State.

Duties of :
com'r.

Sec. 12. The acting commissioner shall also have the superintendence of the erection of the necessary buildings, under the direction of the board of trustees, whose salary shall not exceed eight hundred dollars per annum, and which shall be in full for all his services, except the necessary traveling fees.

Proceeds of
lands paid to
treasurer.

Sec. 13. The proceeds of the lands and all other moneys shall be paid to the treasurer authorized by this act, who may be required to give bonds with sureties to be approved by the board, and filed with the Auditor General of the state, and all necessary expenses incurred in carrying out the provisions of this act shall be paid therefrom on a warrant drawn by the clerk and approved by the chairman or president of the board.

Sec. 14. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 188.

AN ACT for the relief of George Buck.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office be and he is hereby authorized to sell to George Buck, at twelve dollars per acre, with interest thereon from December first, eighteen hundred and thirty-eight, all that portion of section number seventeen, town six south of range eleven west, lying on the south side of the St. Joseph river, which said George Buck purchased of the Superintendent of Public Instruction, August first, eighteen hundred and thirty-seven, since become forfeited.

Sec. 2. Said George Buck shall be credited in payment therefor all moneys which was by him paid as principal with interest thereon heretofore paid by him on said section or any part thereof so forfeited.

Sec. 3. This act shall be in force from and after its passage.

Approved April 3, 1848.

No. 189.

AN ACT appropriating certain Internal Improvement Lands for improving the Road between the villages of Eaton Rapids and Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That three thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving the road between the villages of Eaton Rapids and Michigan. 3000 acres int. imp. lands appropriated.

Sec. 2. That for the purpose of carrying into effect the provisions of this act, and of making a judicious outlay of the above appropriation, the Governor is hereby authorized to appoint a special commissioner, who shall have the general supervision and management of the Special commissioner.

same, and who shall, before entering upon the discharge of his duties, take and subscribe the constitutional oath of office, and file with the Auditor General a bond, to be by him approved, conditioned for the faithful discharge of his duties as such commissioner.

Powers and
duties of
such com'r.

Sec. 3. The said special commissioner shall direct and control the work to be performed under the provisions of this act, in person, so far as the same may be practicable, and shall have full power to employ laborers, and purchase all the requisite materials ; and if any contracts are let by him, they shall be for limited amounts and conditioned for the resumption of the job by said commissioner, upon the failure on the part of the contractor to comply with the stipulations of the contract, and the labor shall be performed under the immediate supervision of said commissioner.

Payment of
contractors
and others.

Sec. 4. Upon the completion of any such job and in payment therefor, according to the terms of the contract, and also in payment for any services rendered, labor performed or materials purchased, the said commissioner is hereby authorized to issue his orders upon the Commissioner of the State Land Office, drawn against and payable in internal improvement lands ; and the same shall be receivable at said land office at par, in payment, at the price established by law, for any internal improvement lands not reserved from sale or otherwise appropriated : *Provided*, That the aggregate amount of said orders shall not exceed the amount of the above appropriation, at one dollar and twenty-five cents per acre : *And provided further*, That the said Commissioner of the Land Office shall not issue a certificate for any parcel of said land less than a legal subdivision of the same.

Compensa-
tion of com'r
and audit of
his accounts.

Sec. 5. Said special commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable from the above appropriation, and the said commissioner shall from time to time render to the Auditor General an account of his services, verified by his oath, and the Auditor General shall thereupon issue his certificate of such amount to said special commissioner, and the same shall be receivable

at par by the Commissioner of the State Land Office in payment for internal improvement lands included in the above appropriation.

Approved April 3, 1848.

No. 190.

AN ACT appropriating certain internal improvement lands for opening and improving the state road from Constantine, in St. Joseph county, to Paw Paw in Van Buren county, through Cassopolis, in Cass county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That seven thousand acres of the internal improvement lands in the lower peninsula of this state be hereby appropriated for opening and improving the state road from Constantine in St. Joseph county, to Paw Paw in Van Buren county, through Cassopolis in Cass county. 7000 acres int. imp. lands appropriated.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor is hereby authorized to appoint a commissioner to make a selection of the land herein appropriated, and to report such selection to the Commissioner of the Land Office, who shall thereupon reserve the same from sale, issuing no certificate therefor except upon the order of said commissioner; said commissioner shall receive no compensation for making said selection. Special commissioner.

Sec. 3. The said commissioner shall have the control and management of the improvements in this act specified, and shall have power to let out by contract the opening and improving said road, in such parts or jobs as he may think best, to the lowest bidder, who shall execute to said commissioner a bond to be approved by him, for the faithful performance of his contract: *Provided*, That before such letting, the said commissioner shall advertise for proposals for contracting said work for at least three successive weeks in the Centreville Republican and Paw Paw Free Press. Powers and duties of com'r.

Sec. 4. Said special commissioner shall perform his said duties with proper dispatch and diligence, and shall receive for his services a sum not exceeding one dollar and fifty cents per day, and such compensation shall be audited and allowed by the Auditor General upon a bill of such services sworn to be a true bill, and that all the services charg- Compensation of com'r and audit and allowance of his account.

ed for therein were necessary and proper in the opinion of said commissioner. On allowing such bill the Auditor General shall issue his warrant to said commissioner, payable in internal improvement lands, for the amount so audited, at one dollar and twenty-five cents per acre, which warrant shall be received in the state land office in payment of any such lands as may be reserved by this act from sale.

Payment of
contractors
and others.

Sec. 5. Upon the completion of any job let in pursuance of this act, [in] payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by said commissioner for the purposes contemplated by this act, said commissioner may draw his orders upon the Auditor General for warrants payable in internal improvement lands reserved in pursuance of this act, which said warrants shall be received in the state land office in payment for any such lands.

Com'r to
take oath &
file bond.

Sec. 6. Said commissioner before entering upon his said duties, shall take an oath faithfully to perform the same, and give a bond to be approved by the Auditor General, conditioned for the faithful performance of all his said duties, which oath and bond shall be filed with the Auditor. In case of a vacancy in the office of said commissioner, the Governor may appoint a new commissioner, who shall take the same oath and give a like bond.

Sec. 7. Said commissioner shall not draw orders for any more land than is appropriated and reserved hereby.

Sec. 8. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 191.

AN ACT to prevent the circulation of foreign notes.

Circulation
of foreign
notes prohi-
bited.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall not be lawful for any person or corporation to issue or in any manner circulate as money at any time after six months from the time this act shall become a law, within this state, any bill, note or other evidence of debt, purporting to be issued by any body corporate, private broker or other person carrying on banking business in any foreign country or province.

Sec. 2. Any person offending against the provisions of this act

shall forfeit for every such offence three times the nominal value of Penalty for such offence. any such bill, note or other evidence of debt, to be recovered with costs of suit in the name of and for the use of any person who shall sue for the same, and prosecute such suit to judgment in any court having cognizance thereof.

SEC. 3. Any incorporated company in this state who shall purchase Purchase of such notes prohibited, penalty for such offence. or take at a discount any bill, note or other evidence of debt purporting to be issued by any banking corporation or body corporate, not chartered by the legislature of this state or that of some other state in the United States, and the circulation of which is prohibited by this act, shall forfeit for every such offence the sum of fifty dollars, to be recovered with costs in the same manner provided in the second section of this act.

Approved April 3, 1848.

No. 192.

AN ACT to amend chapter sixteen of the revised statutes of eighteen hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supervisor of each township Revised statutes amended. shall be the agent for his township, for the transaction of all legal business, by whom suits may be brought and defended, and upon whom all process against the township shall be served.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 193.

AN ACT to authorize the assessment and collection of a certain tax in the township of Bertrand in the county of Berrien.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supervisor of the township of Bertrand in the county of Berrien, be and he is hereby authorized and required to assess a state, county and township tax for the year A. D. eighteen hundred and forty-seven, upon the real and personal

property in that township at the time required by law for the assessment of taxes for the year eighteen hundred and forty-eight, which tax shall be assessed according to the valuation of property in said township as determined by the board of supervisors for the year eighteen hundred and forty-seven aforesaid, and shall be entered on the assessment roll, levied, collected and returned in the same manner as taxes reassessed on account of having been rejected by the Auditor General.

Sec. 2. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 194.

AN ACT to amend the revised statutes of eighteen hundred and forty-six, concerning the assessment and collection of taxes, and the act amendatory thereof, approved March seventeen, eighteen hundred and forty-seven.

Aud. Gen'l
may sell cer-
tain lands at
private sale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any person may purchase any unsold or unredeemed "state tax lands," which may have been once or more than once offered for sale as such, upon application therefor at the office of the Auditor General, and upon paying to the State Treasurer, on the certificate of the Auditor General, the minimum price as established by the twelfth section of act number eighty-four of eighteen hundred and forty-seven, entitled "an act to amend the revised statutes of eighteen hundred and forty-six, concerning the assessment and collection of taxes," approved March seventeen, eighteen hundred and forty-seven, with interest thereon from the first Monday in October in the year in which the lands were so first offered for sale, to the day of making such application and payment, at the rate of ten per cent per annum; and the said person so applying, shall, at the time of purchasing the said lands, pay to the State Treasurer the amount of all bids made in behalf of the said state at any sale or sales subsequent to the sales in October of the year eighteen hundred and forty-five, with twenty-five per cent interest thereon, as now provided by law, for which bids he shall be entitled to a certificate of purchase, or to a deed as hereinafter provided.

Sec. 2. Upon application and payment being made as above mentioned, the Auditor General shall execute to such purchaser a deed conveying all the right, title and interest of the state in and to the said "state tax lands," acquired by virtue of the original sale or sales to the state, subject to all taxes duly assessed thereon; and for the sales of said bids for any subsequent years for which the redemption has not expired, the said Auditor General shall issue to the purchaser certificates of purchase according to the provisions of section fifteen of the act above recited. But if the said lands are not redeemed or otherwise discharged according to law, the Auditor General shall execute to such purchaser a deed as above mentioned.

Deed on
lands.

Sec. 3. The lands situated in the counties of Ingham, Clinton and Eaton, bid off to the state for taxes, on which the time of redemption has expired, and which were withheld from sale according to the requirements of the joint resolution number twenty-two of eighteen hundred and forty-seven, shall be offered at public sale under the direction of the Auditor General, by the treasurers of those counties in which they are respectively situated; and the auditor general is hereby required to cause to be published in the state paper for four weeks successively next previous to the day of sale, a statement of the several descriptions to be so offered, with the aggregate amount due on each description, to be ascertained and determined according to the provisions of the said twelfth section of the act above recited, and all such as remain unsold by the said county treasurers shall thereafter become subject to sale by private entry at the office of the Auditor General, on the terms and conditions prescribed for the sale of other "state tax lands" in the foregoing sections; and all bids made in behalf of the state on said lands, the redemption of which has not expired, may, on application at the said Auditor's office, be purchased according to the provisions of the sections aforesaid, concerning the sale of the bids on other lands similarly situated: *Provided*, That any person having an interest in any of the lands mentioned in this section, shall be permitted to redeem the same at any time prior to the sale of lands for taxes in October next.

Certain lands
heretofore
reserved
may be of-
fered at sale.

Sec. 4. Neither the sale of any state tax lands, nor the sale of any of the bids of the state for which the time of redemption has not expired, shall in any wise prejudice the right of the state to enforce the

Subsequent
state tax not
to be preju-
diced by sale

collection of any tax subsequent to the year or years for which the same have been sold as aforesaid, and for the taxes and charges remaining unpaid for such subsequent year or years, the Auditor General shall cause such lands to be offered in regular succession, at the next ensuing annual sales for taxes in the proper county, giving the notice required by law, unless previously redeemed or otherwise discharged.

When aud.
general may
refund pur-
chase mo-
ney, &c.

Sec. 5. When any single description of state tax lands shall be sold for the taxes of two or more years, and it shall be made to appear to the Auditor General within the time prescribed by law, that the taxes for any year for which the same was originally bid off to the state were paid before sale, or were illegally assessed, or would be void for any other cause, he shall, on application, cause to be refunded to the purchaser the amount due and paid on account of said year's tax, with interest at the rate of seven per cent. from the day of sale until said purchaser was notified that said amount would be refunded; but the deed shall remain a valid conveyance to the purchaser of all the rights acquired by the state under the sale or sales for taxes of other years, not thus proved to have been illegal or void.

State to re-
deem in cer-
tain cases.

Sec. 6. Whenever any unsold state tax lands shall have been sold to individuals for the taxes of any year subsequent to that for which they were bid off to the state, it shall be the duty of the State Treasurer and Auditor General to redeem the same from such sale to individuals, if in their opinion the interest of the state would be promoted thereby.

All unsold
state tax land
to be offered
at annual
sale.

Sec. 7. All unsold state tax lands, remaining unredeemed or not otherwise disposed of according to law, may be re-offered at public sale at the annual tax sales in October of each year, by the treasurers of the several counties, under the direction of the Auditor General, according to the provisions of the act above mentioned.

Revised stat-
utes amend-
ed.

Sec. 8. Section thirty-one of chapter twenty of the revised statutes of eighteen hundred and forty-six be and the same is hereby amended by adding after the word "thereto," in the third line, the following words: "and to all other taxes required by law to be assessed by him;" and section eighty-two of said chapter is also hereby amended by striking out in line fourth, the word "and" before "assigns," and inserting "or."

Sec. 9. All sales of state tax lands, or of the bids in behalf of the state, at the Auditor General's office, under the provisions of the act to provide for the sale of certain unsold state tax lands, and for other purposes, approved February seventeen, eighteen hundred and forty-six, and the act number seventy-two, amendatory thereof, approved April twenty-three, eighteen hundred and forty-six, which were made after the said acts were repealed, and also the sales at the said office of the bids in behalf of the state on lands sold for the taxes of eighteen hundred and forty-one, eighteen hundred and forty-two and eighteen hundred and forty-three, and which were previously held by the state as state tax lands, for the taxes of eighteen hundred and forty and previous years, and the deeds or certificates of purchase issued or to be issued on account of such sales shall be as valid as if said acts had not been repealed. Sales of certain lands confirmed.

Sec. 10. That the seventieth section of chapter twenty of the revised statutes shall be and is hereby amended by adding thereto as follows : Revised statutes amended.
 "And accompanying or preceding such statements, the Auditor General shall cause to be published in the respective counties, a list of all lands not sold by the several county treasurers at the time prescribed by law, on account of error in advertising, or other cause not affecting the legality of the assessment, or requiring a rejection of the taxes thereon, and on which the taxes, interest and charges still remain unpaid or not otherwise discharged for the taxes of any year prior to that for which the statements above mentioned are made up ; and deeds given by the Auditor General to purchasers at such sales or their assigns, shall take effect according to the year's tax for which the deed may be given ; the deed for the latest year's tax taking precedence : and the interest on such re-advertised lists shall be computed at the same rate as in other cases, up to the time of the ensuing annual tax sales.

Sec. 11. All laws contravening the provisions of this act, be and the same are hereby repealed ; and the provisions of the sixteenth section of the act number eighty-four aforesaid, shall be applicable to so much of this act as relates to the sales of the said "state tax lands," and to the sales of the bids thereon as above mentioned. Repeal.

Sec. 12. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 195.

AN ACT to amend an act entitled "an act to incorporate the village of Jackson."

Boundaries
of the village
of Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the town of Jackson as is included in the following boundaries, to wit: commencing at a point on the township line two hundred and forty rods west of the north east corner of section three, in town three south, of range one west, from thence running north on the west line of the east half of the south west quarter of section thirty-four in township two south, of range one west, to the quarter post line one hundred and sixty rods, thence east on the east and west quarter post line, running through the centre of section thirty-four and thirty-five, in town two south, of range one west, four hundred and forty rods, thence south parallel with the east line of the west half of the south-east quarter of said section thirty-five, one hundred and sixty rods to the south line of the last said section in township two south, thence south parallel with the east line of the west half of the north-east quarter of section two, in township three south, of range one west to the quarter post line of said last named section, supposed to be one hundred and sixty rods, thence west on the east and west quarter post line of said section two and section three, four hundred and forty rods, thence north on the west line of the east half of the north west quarter of section three, in town three south, range one west, to the north line of said section three, to the place of beginning, supposed to be one hundred and sixty rods, shall be and the same is hereby constituted a town corporate by the name and title of the village of Jackson.

Village officers.

Sec. 2. The officers of said village shall consist of a president, recorder, treasurer, marshal, street commissioner, attorney, six trustees and two assessors, to be elected by a plurality of votes by ballot, of the inhabitants of said village having the qualifications of electors under the constitution of this state, and the common council of said village are hereby authorized to appoint such other officers as may be necessary under the provisions of this act. The election of officers herein provided for, shall be held in said village at such place as may be appointed by the common council, on the fourth Monday in April in the year eighteen hundred and forty-eight, and on the sec-

ond Monday in March in each year thereafter. The polls of such ^{Their election annually, &c.} election shall be opened between the hours of nine and ten o'clock in the forenoon, and shall be continued until three o'clock in the afternoon of the same day and no longer. The name of each elector voting at such election shall be written in a poll list to be kept at such election by one of the common council. After the close of the polls at such election, the common council shall proceed without delay, publicly, to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the president or recorder, if present, and if not, then some other member of the common council shall draw out and destroy unopened so many of the ballots as shall amount to the excess, and if two or more ballots shall be found rolled up or folded together they shall not be estimated; and thereupon the common council present at such election shall proceed immediately and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate the same day or the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass, and the person having the greatest number of votes shall be declared duly elected: *Provided*, If it shall happen that two or more persons shall have an equal number of votes for the same office, so that no election shall be had, a new election shall be had for such officers as shall have had such equal number of votes.

Sec. 3. It shall be the duty of the recorder of said village to give ^{Re - rier to give notice of elections.} ten days' public notice in writing, in three public places in said village, and by publishing the same for two weeks in some newspaper published in said village, previous to the time of holding such election, of the time and place of holding all elections, both annual and special in said village, and every person offering to vote at such election before he shall be permitted to vote, shall, if required by any elector of said village, take the following oath: "I do solemnly and sincerely swear ^{Oath.} (or affirm) that I am a citizen of the United States, or that I was a resident of the state of Michigan at the time of signing the constitution thereof, of the age of twenty-one years, that I have been a resident of this state for six months next preceding this election, and for thirty

days last past I have been a resident of the village of Jackson, and have not voted at this election :'' *Provided*, That in case any person so offering to vote at such election, shall have been assessed within the year last past for any poll tax as provided for in this act ; he shall, if so required as above stated, further swear that he has paid or tendered the same to the proper officer, and upon taking such oath, he shall forthwith be permitted to vote.

By whom administered.

Sec. 4. The president or recorder of said village is hereby authorized to administer the oath to electors contemplated by the third section of this act, and any person who shall knowingly and falsely take such oath, shall be deemed guilty of perjury, and on conviction thereof, shall be liable to the same pains and penalties as are provided for the punishment of that crime by the laws of this state.

President, recorder and trustee incorporated.

Sec. 5. The president, recorder and trustees of said village shall be a body corporate and politic with perpetual succession, to be known and distinguished by the name and title of "the Common Council of the village of Jackson," and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of this state and any other place whatsoever ; and may have a common seal and may alter and change the same at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying and disposing of any real or personal estate for the use and benefit of said corporation.

Oath of office

Sec. 6. The president, recorder, assessors, treasurer and all officers provided for in this act, shall take and subscribe the constitutional oath before the recorder or some judge, circuit court commissioner, master in chancery, notary public or justice of the peace, and file the same within two days after notice of their election or appointment, and within ten days after such election or appointment, and the recorder is hereby authorized to administer such oath.

Recorder, marshal and treasurer to give bond.

Sec. 7. The recorder, marshal and treasurer shall give bonds to the common council in the penal sum of one thousand dollars, conditional for the faithful performance of their duties before entering upon the duties of their respective offices, with two or more sufficient sureties,

to be approved by the common council, and file the same in the office of the recorder.

Sec. 8. The president and trustees shall hold their office for two years and until others are elected. At the first election held after the passage of this act, six trustees shall be elected, and six ballots shall be made, three of which shall have written thereon, the words "one year," and three the words "two years," and each of said trustees so elected at such election, shall therefrom draw out of said box one of said ballots, and shall hold his office one or two years, as shall be indicated by the ballot by him drawn, and in each year thereafter, three trustees shall be annually elected.

Term of office of president and trustees.

Sec. 9. The assessors, marshal, street commissioner, attorney, treasurer and such other officers as shall be appointed by the common council, shall hold their offices for one year and until others are elected or appointed.

Of assessors, marshal, street com'r, &c.

Sec. 10. The president, recorder and trustees, when assembled together and authorized, [organized,] shall constitute the common council of the village of Jackson, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time,) and the said common council shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint, and shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the members of said council, or of any officers whose attendance is required: *Provided*, No such fine shall exceed the sum of five dollars for any one offence.

Com. council.

Sec. 11. In case of the death, resignation or removal of any of the officers provided for in this act, such vacancy shall be announced to the members of the common council by the president or recorder, and the said council shall thereupon convene as soon as may be, and order an election to be held to fill such vacancy, at any time within one month and not less than one week after such vacancy has occurred, and the same notice shall be given of such election, and the same shall be conducted in the same manner, as is provided for annual elections: *Provided however*, That the common council shall have power to fill vacancies that may occur in any of the offices except trustees, if within three months of the annual election. Every such appointment so made

Vacancies to be filled by appointment

by them shall be by resolution duly recorded, and a certificate of such appointment, signed by the president, shall be filed with the recorder, and the officers so appointed shall be qualified as aforesaid, and perform the duties of their respective offices.

**Removals
from office.**

Sec. 12. The common council shall have power to remove at pleasure any officers by them appointed.

**By laws and
ordinances.**

Sec. 13. The common council shall have power to make by-laws and ordinances relative to and regulating the duties, powers and fees of the marshal, treasurer, assessors and other officers, relative to the time and manner of working upon the streets, lanes and alleys of said village, relative to the manner of assessing, levying and collecting all highway and other taxes in said village, relative to the manner of grading, railing, planking and paving all side-walks in said village, and to setting posts and shade trees in all streets, lanes and alleys in said village, to lay out, grade and repair all streets, lanes and alleys, and to construct, make and repair all bridges in said village, and for preventing the same from being obstructed, and for the prevention and abatement of nuisances within said village.

Id.

Sec. 14. The common council shall have power to make all such by-laws as may be necessary to secure the said village and the inhabitants thereof against injuries by fire, and persons from violating the public peace, for the suppression of riots, gambling and other disorderly conduct, and for the punishment of the same, for the apprehension and punishment of all drunkards, vagrants and idle persons, and they shall have power to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines and penalties and forfeitures on all persons offending against the by-laws and ordinances made as aforesaid.

**Duties of
president.**

Sec. 15. It shall be the duty of the president to preside at all meetings of the common council, and to attend at the annual election of the officers. The president shall sign all licenses and warrants issued by order of the common council, and countersign all orders drawn upon the treasurer of said village.

Recorder.

Sec. 16. The recorder shall attend all meetings of the common council, and keep an accurate and fair record of their proceedings, and

in the absence of the president to preside and perform his duties or the common council may appoint a president pro tempore.

Sec. 17. The recorder shall within five days after the closing of the polls of any election, notify the officers respectively of their election. ^{ib.}

Sec. 18. The recorder shall be elected and hold his office for two years, and shall be a police justice of the peace, and shall have cognizance of all matters arising under and by virtue of this act of incorporation and the ordinances and by-laws made by the common council in virtue thereof, and may issue all summonses, warrants, executions or other processes to enforce the same, and proper judgments thereon to render, and in like manner and with like effect, as may be done by any other justice of the peace by the laws of this state, and all processes by him issued shall be tested and returnable in the same manner and returnable with the like effect, and the proceedings by them shall conform to and be conducted in like manner as is provided for and applicable to justices of the peace by the laws of this state. ^{Term of office of recorder, &c.}

Sec. 19. The common council shall have the exclusive power and authority to license such persons as tavern keepers, common victualers, or retailers of spirituous and fermented liquors, as they may from time to time deem advisable and proper, within said village, under such regulations and restrictions as the common council shall by public ordinance establish; and licenses provided for in this section shall expire on the second Monday in April in each year; and to prohibit the sale of spirituous or fermented liquors in less quantities than twenty-eight gallons in said village: The common council shall have power to regulate the selling and measuring fire wood, and the weighing of hay; and to prescribe and designate the stand for carters and carts, for wood, hay and produce exposed for sale in said village; to prevent and punish persons for immoderate driving or riding in any of the streets, lanes or alleys in said village; to regulate and prohibit bathing in any public waters in said village; to prevent the encumbering or obstructing the sidewalks, public grounds or squares of said village; to provide for dykeing the Grand River, and clearing the same, within the limits of said village, of all wood, filth or other nuisances, and to regulate all grave yards for the burial of the dead in said village. ^{G. M. power of council.}

Ibid.

Sec. 20. The common council shall have power to establish the line upon which buildings may be erected, and beyond which buildings shall not extend ; to establish and organize all such fire companies, hose and hook and ladder companies, and to provide them with the proper engines and other implements as shall be necessary to extinguish fire and preserve the property of the inhabitants from conflagration ; to enrol and warrant so many of the inhabitants, willing to accept the same, as firemen, as they shall think necessary : *Provided*, Such number shall not exceed sixty for any one company ; and to provide suitable wells, cisterns or other means for furnishing water to extinguish fires in said village.

Village
pound.

Sec. 21. The common council shall have power to establish a suitable pound, and to regulate the taking up and impounding animals, and to make such by-laws and ordinances relative to animals running at large in said village, as they shall think proper ; to provide such regulations as are proper to preserve the health of the inhabitants of said village, and to prevent the spread of contagious diseases.

Village taxes

Sec. 22. The common council shall have power and authority to levy, assess and collect a money tax upon all real and personal property in said village, but such money tax upon said property shall not exceed in any one year one-fourth of one per centum upon the valuation of said real and personal property, and said common council may also assess and collect a highway tax in addition to the money tax aforesaid, not exceeding the rate of one day's work for every one hundred dollars valuation of such real and personal property, to levy and collect a poll tax upon every male inhabitant of said village above the age of twenty-one years, not exceeding seventy-five cents per annum upon each person so taxed.

Side walks.
&c.

Sec. 23. The common council shall have power to construct all such drains in such village as they think the public good may require, and to compel the owner or occupant of land, at their own expense, to construct, make, grade, pave, plank, or gravel and curb and rail all side-walks adjoining such lands, by ordinance, with suitable penalties, or by assessing the same upon the said land, in the same manner as is provided herein for the assessment of taxes ; and the common council may, at the expense of the said corporation, construct all side-walks across all streets, lanes and alleys, and public squares in said village.

Sec. 24. The common council, from the original assessment roll, shall make a duplicate, charging such [each] individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, and setting down in separate columns the amount of money tax, the amount of highway tax and the amount of poll tax, which duplicate shall be signed by the president and recorder, and shall be delivered to the marshal with the warrant thereto annexed, specifying the time within which the taxes therein named shall be collected, which time shall not exceed ninety days from the date of such warrant, but such time may be extended by a renewal of the warrant under the hand of the president and recorder for a time not to exceed one hundred and fifty days from the date of the original warrant, and the marshal shall collect the same within the time specified in his warrant, and in such manner as the by-laws shall direct.

Assessment roll and warrant.

Sec. 25. The common council shall, at the expiration of each year cause to be published a just and true account of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, and also the disposition thereof, previous to which they shall settle and audit the accounts of all officers of the village, or other persons having claims against the corporation, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same was made, and the money expended under such appropriation, the amount of tax raised, both money and highway, and poll tax, and the amount expended upon highways, streets and bridges, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

Annual acc't of com council to be published.

Sec. 26. The common council shall cause the expenses of opening and surveying all streets to be paid as other contingent expenses of said village are paid.

Expense of opening and surveying streets.

Sec. 27. Whenever the common council shall lay out any new streets, lanes or alleys, or alter any old one, if the person owning the land through which such street, lane or alley, when so laid out or altered, shall pass, shall object thereto, and the common council cannot agree with such person or persons as to the amount of damages to be paid

Jury for assessment of damages to be had in certain cases

Appeal.

for such right of way, the common council or any person owning such land, his agent or attorney, may file a petition setting forth the line and boundary of such street, lane or alley with the recorder, and the recorder shall thereupon appoint a day, not more than twelve nor less than six days from the filing of said petition, for the hearing of the same, and may, if either party require it, and at such party's expense, cause a jury of six disinterested persons to be summoned to hear and determine upon the amount of damages to be allowed; and the verdict of the jury, or judgment of the recorder, shall be conclusive as to the amount to be paid; and when the amount of said verdict or judgment shall be paid or tendered to the person entitled to the same after the right of appeal shall expire, the right of way described in said petition shall immediately vest in the common council: *Provided however*, Either party may appeal to the county court as in other cases; and in case of appeal, the judgment of the county court thereon shall be final, and the common council shall, on the filing of such petition, make an offer of the amount which they will give to each person so interested and objecting for such right of way; and if the person shall not recover a judgment or verdict before the recorder for a greater sum, such person shall pay all the costs, and if such person shall recover more than the amount so offered them, the corporation shall be liable for and pay all costs; and if such case be appealed to the county court, then the right of way aforesaid shall vest in the common council, upon the treasurer of said village paying or tendering the amount of such judgment to the person entitled to the same. Either party filing such petition as is provided for in this section, shall give security for all the costs that may accrue in the case in such manner as securities are required to be given by the plaintiffs' in civil cases before justices of the peace, and execution may issue to collect the amount thereof against such security, in case the party giving such security shall by the judgment of the recorder or of the county court, in case the same is appealed, become liable to pay such costs; a profile of such street, lane or alley, describing the boundaries thereof, shall be filed in the office of the recorder, and a copy thereof filed in the office of the register of deeds of the county of Jackson, duly attested by the recorder, under the seal of said common council.

Sec. 28. Any person assessed for highway tax in said village, may

commute therefor by paying to the marshal of said village or the street commissioner, at the time such person shall be required to work the same, at the rate of seventy-five cents for each day so assessed; and all highway taxes shall be estimated by the common council at the rate of seventy-five cents per day; and persons working upon the highway shall be required to work thereon not less than ten hours for one day's work.

Commute in
of highway
tax.

Sec. 29. Any person obstructing any street, lane or alley in said village, or the part thereof used or to be used for side-walks, who shall neglect or refuse to remove such obstruction after one day's notice, shall forfeit and pay for the use of said village the sum of five dollars and costs of suit for each day of such neglect or refusal to remove such obstruction; and the common council may forthwith after such notice cause such obstruction to be removed at the expense of the person obstructing the same, or of any person interested in maintaining and keeping up such obstruction.

Obstruction
of streets, &c

Sec. 30. The assessors of said village shall once in each year make an assessment roll, containing a description of all the property, both real and personal, in said village, and the name of the owner or occupants or agent thereof, if known, and the names of all persons liable to pay a poll tax, as provided for in this act, and shall set down in such roll the valuation of all such property at its fair cash value; and when said roll shall be so made and completed they shall give notice thereof by publishing the same in any newspaper published in said village, by at least two insertions in such paper, stating the place where such roll is left for the inspection of all persons interested, and of the time when, and place where they will meet to hear the objections of any person interested in the valuation so made by them; and at the time and place so appointed the assessors shall meet, and on the application of any person considering himself or herself aggrieved, may review and reduce the said valuation, on sufficient cause being shown on oath to the satisfaction of the assessors, which oath the assessors are hereby authorized to administer; and if any person shall consider himself aggrieved by the final decision of the said assessors, such person shall have the right of appealing from such decision, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce such val-

Duties of as-
sessors.

uation. And the common council may, at any time before the tax is collected upon such assessment, review and correct any description of real estate which they may find to be erroneously or imperfectly described in such assessment roll.

Assessment
a lien on real
estate.

Sale of pro-
perty for
taxes.

Sec. 31. Every assessment of any tax lawfully imposed or laid by the said common council on any lands, tenements and hereditaments, or premises whatever in said village, shall be and remain a lien on such lands, tenements, hereditaments and premises from the time of making such assessment or imposing such tax until paid, and the owner or occupant, or parties in interest, respectively, in said real estate, shall be liable upon demand to pay every such assessment or tax so made or imposed as aforesaid, and in default of the payment of such tax or any part thereof, it shall be lawful for the marshal of said village to seize upon, remove and sell the personal property of such owner or occupant, or to sell such real estate sufficient to pay and satisfy such taxes and the charges which may accrue, and it shall be lawful for the marshal of said village, in default of the payment of any tax imposed by the common council upon any inhabitants of said village or any person owning any property in said village, to levy upon, seize, remove and sell the personal property of such inhabitant or person so owning such property, sufficient to pay and satisfy such tax and the costs of such levy and sale. All sales of personal property as herein provided for taxes, shall be made in the same manner and upon like notice as is prescribed by the laws of this state for constable sales.

Marshal to
be collector
of taxes.

Sec. 32. The marshal shall collect all taxes levied in and for said village, and be a police constable, and serve any and all papers that may be issued by the recorder or any other officer by virtue of this act of incorporation, and perform such other services as may be required of him, under and by virtue of this act, and shall be entitled to demand and receive the same fees and emoluments that constables are entitled to for similar services, and shall be entitled for and in the performance of his duties to the same privileges, and be subject to the same liabilities as constables are entitled to and subject to by the laws of this state.

Shall pay
over to trea-
surer.

Sec. 33. The marshal shall pay over all moneys by him received by virtue of his office as marshal of said village, belonging to said corporation, to the treasurer of said village, at such time and in such manner as the common council may direct.

Sec. 34. It shall be the duty of the marshal to arrest drunken and disorderly, brawling or riotous person or persons, or any other person whom he may find within said village, disturbing the peace of the inhabitants thereof, and to take such person or persons before the police justice of the village, and the said police justice shall thereupon proceed to hear, try and determine the matter upon proof, in a summary manner, and upon conviction of such person or persons, may sentence such person to pay a fine of not more than five dollars and costs, or to be committed to imprisonment in the county jail not more than ten days, or both such fine and imprisonment, at his discretion, and may further require such person to enter into recognizance in a sum not exceeding fifty dollars, to keep the peace, and for his good behavior for six months thereafter, and the sheriff of the county of Jackson is hereby authorized and required to receive and safely keep in jail such persons so committed such time as is prescribed in the warrant of commitment, upon the same terms as is provided for similar offences by the laws of this state.

Duties of marshal and police justice.

Sec. 35. The marshal shall have the general provision of the streets, lanes, alleys and side-walks in said village, under the direction of the common council, and shall see that the by-laws and ordinances of said village are duly and properly observed, within said village, and shall perform such other duties as the common council may direct, and shall receive such compensation for such services as the common council shall allow.

Sec. 36. Whenever any real estate shall be sold by said marshal for taxes, notice thereof shall be published in a newspaper printed in said village, once in each week for at least four weeks, and the said marshal shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land, and if the person claiming title to the said lands described in the sale shall not within one year from the date thereof, pay the treasurer of said village for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of ten per cent. per annum from the date of such certificate, the said marshal or his successor in office, shall, at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands

Notice of sale of real estate for delinquent taxes.

Redemption after sale.

Sale of personal property.

so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, subject to all the claims the state shall have thereon, and the said conveyance shall be prima facia evidence that the proceedings were regular according to the provisions of this act, and every such conveyance executed by said marshal under his hand and seal, and witnessed and acknowledged by the proper officer and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner and duly recorded, may be given in evidence, and all personal estate so sold shall be sold in such manner as the common council may direct. And the common council may upon satisfactory evidence upon oath of the payment of any tax upon real estate, and that the same has been returned by mistake or otherwise improperly, or for any other irregularity in the return and sale of such real estate, cancel the certificate of sale before the same has been deeded, and may thereupon draw a warrant upon the treasurer for the amount of the purchase money and seven per cent. interest, and no deed shall thereupon be given upon such certificate of sale.

Fire companies.

Sec. 37. Each fire, hose and hook and ladder company of said village shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members as may be established by such by-laws and regulations of every company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof, and the members of such company during their continuance as such, be exempt from serving on juries and working a poll tax on the highway or streets in said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire engine, hose, ladders and other instruments of such company, and it shall be the duty of each fire company to assemble once in each month, and as often as may be directed by said common council, for the purpose of working or examining said engine and other implements with a view to their perfect order and good repair; upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire and aid and assist as well in extinguishing such fire as in

preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them who may be present at the fire; and the common council shall have the power for the more perfect organization of the fire department of said village, to appoint fire wardens, who shall be clothed with powers and subject to such duties relative to the prevention of fires in said village as the common shall by ordinance direct; and the president, recorder and marshal of said village shall respectively have power to compel any by-standers at any fire in said village to assist and aid in the extinguishing thereof, and any person neglecting or refusing obedience to the orders of the said president, recorder or marshal, given at such fire, for the purpose of aiding in the extinguishment of such fire, and saving the property of the inhabitants from conflagration, shall forfeit and pay to use of said village a sum not less than five nor more than ten dollars for each offence.

Fire ward-
ens.

Sec. 38. If any person shall keep an inn or tavern, or common victualer's shop in said village of Jackson, without being licensed therefor by the common council thereof, he shall forfeit and pay for the use of said village the sum of one hundred dollars.

Penalties for
licensing
inn, tavern &c.

Sec. 39. If any person shall retail or sell within said village any brandy, rum, gin, whiskey or other spirituous liquors, or any mixed liquors, part of which is spirituous, or any wine, beer or cider, in a less quantity than twenty-eight gallons, and that delivered and carried away all at one time, without being licensed thereto by the said common council, he shall forfeit and pay for the use of said village, the sum of twenty-five dollars for each and every offence; and no license so granted to keep an inn, tavern or common victualer's shop, shall protect any person from the penalty herein provided, for the sale of spirituous liquors, wine, beer or cider, unless the license shall expressly state therein that the person named in such license is authorized to sell such spirituous liquors, wine, beer or cider; any such penalties may be recovered in an action of debt by and in the name of the common council of the village of Jackson, before any court of competent jurisdiction.

Sec. 40. The declaration in any suit instituted to recover any penalty or penalties, forfeiture or forfeitures, incurred as provided for in

Form of declaration in such cases.

this act, may be in the following form, to wit : " The common council of the village of Jackson complains of A. B., and says that the said A. B. justly owes to the said common council the sum of dollars for certain penalties and forfeitures which the said A. B. has incurred, and is justly entitled to pay, by reason that the said A. B. did, on the day of in the year , and at

divers other times within one year last past, in the village of Jackson, in the county of Jackson, in the state of Michigan, do and commit certain acts in violation of the laws relating to the village of Jackson, touching [here state the general nature of the act or acts complained of,] and therefore the said common council bring suit." And the defendant may plead thereto as follows, to wit : " The said A. B. is not

Form of plea &c.

indebted to the said council as above alleged." And under such declaration evidence may be given of any violation of the provisions of this act of incorporation, or of any by-law or ordinance made in pursuance thereof ; and judgment may be rendered thereon for so many distinct violations of the provisions of said act or the said by-laws or ordinances as shall be proven : *Provided*, No justice of the peace shall render judgment for a greater sum than one hundred dollars in any one suit ; and under such plea the defendant may give any competent testimony in exculpation of such charge. And the court before whom such suit is brought and such judgment recovered, may forthwith issue an execution against the goods and chattels of the defendant, and for the want thereof against the body of the defendant, in like manner and with effect as similar executions may be issued under the laws of this state : *Provided however*, That any such defendant may, by one or more sufficient sureties, within five days stay such judgment and execution in the same manner and (with) like effect as other executions may be stayed by laws of this state : *And provided also*, That such suit, if before a justice of the peace, may be appealed to the county court as in other cases.

Exhibitions prohibited without license.

Sec. 41. No person or persons shall exhibit within said village, any circus, menagerie, theatre or theatrical performance, or as common showmen, without being first duly licensed therefor by the common council, under a penalty of one hundred dollars for every offence, and to be imprisoned in the county jail for thirty days and until such penalty shall be paid or he shall be discharged by law ; and the common

council shall in no case grant a license to any circus for a less sum than twenty-five dollars per diem.

Sec. 42. Any person offering to exhibit any such circus, theatre, theatrical performance, menagerie or as common showmen without such license, may be forthwith arrested by the marshal or any other constable residing in said county, and brought before any court having jurisdiction thereof, and upon conviction thereof shall be fined the sum of one hundred dollars and stand committed to the county jail until paid or until he be discharged according to law.

Penalties for
each of the
law.

Sec. 43. No person shall be licensed to keep a billiard table or ball alley or any pin alley within said village, by the common council, for a less sum than twenty-five dollars, and any person keeping such billiard table, ball alley or pin alley without a license from the said common council therefor, shall forfeit and pay to the said village, the sum of twenty-five dollars for every day's offence. Any person who shall keep any gambling houses or places of resort for persons to gamble within said village, and all persons who shall resort to any such place and gamble or for the purpose of gambling, shall forfeit and pay for the use of said village a sum not to exceed twenty-five dollars for each and every offence.

Billiard and
ball alley, li-
cense &c,
penalties.

Sec. 44. In all prosecutions, processes and other proceedings wherein the common council of said village shall be a party, no inhabitant or citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such inhabitant or citizen in the event of such proceedings: *Provided*, That such interest be only that which exists in common with the citizens of said village. Whenever any action or suit shall be commenced against said corporation, the same shall be commenced by summons, which shall be served by leaving a copy thereof with the recorder at his office, or in case of his absence therefrom, at his usual place of residence, at least six days before the return day thereof, and the recorder shall thereupon inform the common council thereof.

Citizens
competent
witnesses in
suits where
village is in-
terested.

Sec. 45. In all prosecutions for fines, penalties or forfeitures, as provided for in this act, the first process may be by warrant or summons, and shall be served and returnable in like manner, and the same proceedings may be had, as near as may be, as other proceedings of a similar kind under the laws of this state. The police justice of said

Process.

village, or any justice of the peace of the township of Jackson, is hereby authorized and empowered to hear and determine all offences which shall be committed within the limits of said village, against any of the provisions of this act, or against any of the by-laws or ordinances passed by the said common council in pursuance thereof, and punish the offender or offenders, as is prescribed by this act or by the by-laws or ordinances of the said village : *Provided*, That any person arrested for violating any of the provisions aforesaid, may demand a trial by jury.

Docket of recorder.

Sec. 46. The docket of the recorder, kept by him as police justice, shall be and remain a public record in his office, and shall be by him delivered over, together with all other books and papers belonging to the office of recorder, to his successor in office, and his successor in office shall be authorized to continue and complete all proceedings commenced by his predecessor in office as such police justice.

Compensation of officers.

Sec. 47. The recorder, treasurer, marshal, assessors, attorney, street commissioner, and such other officers as may be appointed by the common council, shall receive such compensation for their services as the common council shall allow, but the president and trustees shall receive no pecuniary compensation.

General laws.

Sec. 48. The inhabitants of said village shall be liable to the operations of any and all laws relating to township government, except so far as is herein otherwise provided.

By-laws to be published

Sec. 49. Before any by-laws or ordinances of said village shall hereafter take effect, it shall receive at least three insertions in a public newspaper printed in said village, and the printed copy so published under the authority of the common council, shall be admitted as prima facia evidence thereof in all courts in this state where the same may come in question.

Repeal.

Sec. 50. All acts or parts of acts heretofore passed, which are inconsistent with this act, so far as said village is concerned, are hereby repealed, but such repeal shall not affect any act done, proceeding had, or any tax sale made, or any by-law or ordinance made, but the same shall remain and be as valid and effectual as if this act had not been passed : *Provided*, Such by-laws and ordinances shall conform to the provisions of this act.

Sec. 51. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 196.

AN ACT to amend chapter one hundred and seventy-two of the Revised Statutes of one thousand eight hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter one hundred and seventy-two of the revised statutes of one thousand eight hundred and forty-six be and the same is hereby amended as follows : Revised statutes amended.

Sec. 2. Amend section six by striking out the words "his pleasure" in the last line, and insert instead thereof the words "during the pleasure of the board of inspectors." Section sixteen is hereby repealed. Chap. 172, sec. 6, 16.

Sec. 3. Section nineteen is hereby amended so as to read as follows : " There shall be paid to the officers of the prison the following annual salaries, to be paid quarterly at the office of the prison, to wit : to the agent, seven hundred dollars ; to the deputy keeper, five hundred dollars ; to the clerk, five hundred dollars ; and to the assistant keepers, a sum not exceeding four hundred-dollars each, as the inspectors shall deem just and reasonable ; to the chaplain, four hundred dollars, and to the physician, such sum as the inspectors shall allow." Sec. 19.

Sec. 4. Amend section twenty by adding thereto the words " the chaplain shall be the librarian, he shall have charge of the library, and of the distribution and management of the books." Also, amend section twenty-five by adding after the word "agent" in the first line, the words "under the rules and regulations adopted by the board of inspectors for the direction and government of all the officers of the prison" ; and amend section twenty-seven by striking out all after the word "convicts" in the third line to and including the word "and" in the fifth line. Secs. 20, 25, and 27.

Sec. 5. Section twenty-eight is hereby amended so as to read as follows : " The agent shall cause a notice to be published in the state paper and in a paper published at the village of Jackson, for at least three weeks previous to the day appointed for letting the labor of the convicts, which notice shall state that sealed proposals will be received Sec. 28,

for the labor of convicts; also stating the number of convicts to be let and the branch of business they are to be engaged in. All contracts made by the agent shall be reduced to writing and approved by the inspectors, or a majority of them, and one copy of every contract shall be filed in the prison office."

Secs. 35, 55.

Sec. 6. Section thirty-five is hereby repealed, and section fifty-five amended by striking out the word "three," in the fourth line, and insert instead thereof the word "ten;" also by adding thereto the following, to wit: "and such further sum not exceeding in all twenty-five dollars as such convict may earn by doing overwork for contractors, under such regulations as the inspectors may prescribe; such overwork to be charged and collected of the contractors in the same manner as the regular labor of the convicts: *Provided*, That no one convict shall be allowed to do overwork to an amount exceeding two dollars in any one month."

Sec. 67

Sec. 7. Amend section sixty-seven by striking out all after the word "be," in the second line, and insert "audited and allowed by the board of supervisors of the counties from which the convicts are sent."

Sec. 8. This act shall take effect, and be in force from and after its passage.

Approved April 3, 1848.

No. 197.

AN ACT to amend an act entitled "an act to authorize the sale of the Central Rail Road and to incorporate the Michigan Central Rail Road Company."

Act amend'd
Mich. C. R.
R. co. pow-
ers extend'd

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for the Michigan central rail road company to aid and assist any incorporated rail road company or companies authorized and having power to build a rail road from the southern line of this state near Lake Michigan to the city of Chicago in the state of Illinois, or over any part of said distance, in the construction, maintenance and operation of any such rail road, to connect the central rail road from its western terminus with said Chicago, and for such purpose may take and hold stock in any such incorporated rail road company or companies, and may en-

ter into any contracts or agreements to make or to guarantee loans of money to any such company or companies, or to furnish to the same rail road, iron or other materials or locomotive power, or to operate such rail road, and all such contracts and agreements, and all securities and obligations made, entered into or taken by said Michigan central rail road company, in consideration of any such contracts or agreements, shall be in all respects valid and effectual in law: *Provided*, That nothing in this act contained shall be construed to authorize the said company to carry on the business of banking or brokerage or to take or hold stock in any incorporated banking company: *And provided also*, That nothing in this act shall be so construed as to change the western route of said central rail road, as fixed by section five of the act to which this act is amendatory.

Sec. 2. This act shall take effect whenever the said company shall file their acceptance of the same in writing, signed by the president of said company, under its corporate seal, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act. Art condi-
tional.

Approved April 3, 1848.

No. 198.

AN ACT making appropriations for the salaries of the State Officers for the year eighteen hundred and forty-eight.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be and hereby are appropriated out of any moneys in the state treasury to the credit of the general fund not otherwise appropriated, the following sums: for the salaries of the Governor, and Associate Justices of the Supreme Court, fifteen hundred dollars each; for the salary of the Chief Justice of the Supreme Court, sixteen hundred dollars; for the salaries of the Auditor General, State Treasurer and Commissioner of the State Land Office, one thousand dollars each; for the salary of the Secretary of State, eight hundred dollars; for the salary of the Attorney General, including his actual necessary expenses, eight hundred dollars; to the Superintendent of Public Instruction, the sum of five hundred dollars; for the salary of the Recorder of the Land Office, four hundred dollars; for the salary of the Adjutant General, three hundred dollars; for the Salaries of
state officers.

salary of the Quarter Master General, one hundred and fifty dollars ; for the salaries of the deputy State Treasurer and deputy Auditor General, seven hundred dollars each ; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each ; for the salaries of the deputy Secretary of State, assistant Librarian, and deputy Commissioner of the Land Office, and one clerk in said office, five hundred dollars each.

Assistant li-
brarian and
private sec.

Sec. 2. The sum of six hundred and fifty dollars is hereby appropriated for the following purposes, and the State Treasurer is hereby authorized and directed, out of the last above appropriation, to pay the assistant Librarian the sum of three dollars per day during the time he has been or may be in the service of the state as such librarian, to be paid on certificate of the Secretary of State, and the Private Secretary of the Governor, the sum of three dollars per day during the time he may be in the service of the state after the adjournment of the legislature, to be paid on the certificate of the Governor : *Provided*, The time for which such officers shall be paid, shall not exceed eight days beyond the actual period of the session of the legislature.

Sec. 3. The salaries above specified shall be payable quarterly, commencing from the first day of March, in the present year, or at the same rate for fractional quarters.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 3, 1845.

No. 199.

AN ACT to incorporate the St. Joseph Valley Rail Road Company.

Com'rs ap-
pointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John F. Porter, Tolman Wheeler, Rodney C. Paine, Benjamin C. Hoyt, Jacob Compton and Thomas Fitzgerald, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the St. Joseph Valley Rail Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of securing subscriptions to the capital stock of said company, first giving thirty days no-

tice of the times and places of taking such subscriptions, in some newspaper printed in the city of Detroit and in the village of Niles.

Sec. 2. The capital stock of said company shall be one million dollars, in ten thousand shares of one hundred dollars each ; and as soon as five hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic, by the name and style of the St. Joseph Valley Rail Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned and no further, and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and shall have, enjoy, and may exercise all the powers, rights and privileges which appertain to corporate bodies for the purposes mentioned in this act.

Capital.

Incorporated

Sec. 3. Said company hereby created shall have power to construct a rail road with a double or single track from the village of St. Joseph, in the county of Berrien, via the village of Cassopolis, in the county of Cass, to any point in the county of St. Joseph, upon the most desirable route, with power to take, transport and carry property and persons upon the said rail road, or any part thereof herein authorized to be constructed, by the force and power of steam or of animals, or of any mechanical or other power, or of any combination of them which the said company may choose to apply.

Route and description of road.

Sec. 4. If said corporation shall not within five years after the passage of this act, commence the construction of said rail road, and shall not within ten years from the passage of this act, construct, finish and put in operation the whole of said rail road, then the rights, privileges and powers of the said corporation shall be null and void, so far as it regards such part of said rail road as shall not be finished within the periods limited by this act.

When road to be commenced.

Sec. 5. Whenever five hundred shares of the capital stock shall have been subscribed, if within five years from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, giving thirty days' public notice of such

1st meeting of subscribers.

meeting, and shall lay the books of subscription before the subscribers then present, and thereupon the said stockholders or a majority of them, shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company, and all of whom shall be stockholders in said company; and said directors are empowered to elect one of their number president; and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy.

Directors to
be chosen
annually.

Sec. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually on the first Monday in October, at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company or a majority of them. The president and directors of said company shall hold their office until a new election of president and directors. All elections which are by this act or by the by-laws of the company to be made on any particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section.

General
meeting.

Sec. 7. A general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of president and directors; and a meeting may be called at any time during the interval between the said annual meetings, by the president and directors or by the stockholders owning not less than one fourth of the whole stock subscribed, by giving thirty days public notice of the time and place of such meeting; and when any such meeting is called by the stockholders, the particular object of such call shall be stated; and if, at any meeting thus called, stockholders owning a majority of stock subscribed are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if, within said three days, stockholders having a majority of such stock do not attend such meeting in person or by proxy, then the said meeting shall be dissolved.

Annual state-
ment of offi-
cers.

Sec. 8. At each annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the

preceding year, to exhibit a clear and distinct statement of the affairs of the company ; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required ; and at all general meetings of the stockholders, those holding a majority of the stock subscribed, may remove from office any president, or any directors of said company, and elect others in their stead : *Provided*, Notice of such intended removal has been given as hereinbefore provided.

Sec. 9. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure ; and the said president and directors, or a majority of them, shall have power to determine the manner and evidence of the transfers of stock in said company ; and they shall have power to pass all the by-laws which may be necessary for carrying into execution all the powers vested in the company hereby incorporated : *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States, nor of this State : *And provided further*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, dealing in produce or any other business except what properly belongs to a rail road and transportation company, as hereinafter provided. But the said company shall have power and authority to build, own, hire and use, in the navigation of the lakes and the rivers and waters connecting the same, one or more boats or vessels, for the purpose of transporting persons and property to and from the ports upon said waters, and to receive such remuneration therefor as may seem just and proper, and to exercise all the powers in relation to the management of such boats or vessels as an individual might lawfully do.

Sec. 10. For the purpose of constructing said rail road or way, said company shall have authority and power to lay out, designate and establish their road in width not exceeding one hundred feet through the entire line thereof, and may take, have and appropriate to their use all such lands so designated for the line or construction of

Powers of directors.

Co. may appropriate & use lands, &c

said road ; and for the purpose of cuttings and embankments, and for the obtaining of stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction and security of said road, and for constructing shops, depots and other proper, suitable and convenient fixtures, in connection with, and as appurtenances to said rail road, not exceeding two hundred feet in width from said rail road, the said company taking all such lands as gifts, or purchasing or making satisfaction for the same in manner hereinafter provided.

May enter
upon lands,
of others.

Sec. 11. The said company, and under their direction their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said rail road, with one or more sets of tracks or rails, and for all the purposes connected with said rail road, for which the said company, by the last preceding section is authorized to take, have or appropriate any lands, and to fell and cut down all timber and other trees, standing or being within one hundred feet on each side of said line of rail road ; the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said company ; and also to make, build, erect and set up in and upon the route of said rail road, or upon the land adjoining the same, all such works, ways, roads and conveniences, as may be requisite and convenient for the purposes of said rail road ; and also from time to time to alter, repair, amend widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying or conveying goods, commodities, timber or other things to and upon said rail road, as for carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering repairing, amending, widening or enlarging the works of or connected with said rail road, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road or any of its works or appurtenances ; and also to make, repair, maintain and alter any

fences or passages under or through the said rail road, or which shall communicate therewith, and to construct, erect and keep in repair any piers, arches or other works in, upon and across any rivers or brooks, for making, using or maintaining the said rail road and side paths, and also to construct, make and do all other matters and things which may be necessary and convenient for making effecting and preserving, improving completing and using the said rail road, in pursuance of and within the true intent and meaning of this act, they, the said company, doing as little damage as possible in the execution of the several powers to them hereby granted, and first making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments, before appropriating the same to the construction of said road.

Sec. 12. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate for the purposes of said rail road, as may or shall be made to said company, to aid in the construction, maintenance and accommodation of said rail road, and said company may contract and agree with the owners or occupiers of any lands upon which the said company may wish to construct the said rail road or way, or which said company may wish to use or occupy for the purpose of excavation, or of procuring stone, sand, gravel, earth or other materials, to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said rail road, or which the company may wish to use or occupy in any manner, or for any purpose or purposes connected with said rail road, for which the said company is authorized or empowered by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any or all such lands, and of any or all interests or estates therein, to them and their assigns, in fee or otherwise ; and in case said company cannot agree with the owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owner or occupier thereof ; or if the owners or occupiers, or either or any of them, be a femme covert, under age, non compos mentis, unknown or out of the county in which the land or property wanted may lie or be situate, application may be made to the circuit court commissioner, county judge or judge of probate of such county in which the lands are situate, or a judge of the su-

May receive
grants of
lands, &c.

Assessment
of damages.

preme court, for an assessment and inquisition as hereinafter provided.

Notice of assessment.

Sec. 13. Previous notice of such application shall be given to the owner or occupier of the land to be taken, either by personal service of such notice three days before making such application, or by public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there be one, and if there be none so printed in the same county, then such notice to be published in a newspaper printed in an adjoining county, and if there be no paper so printed in an adjoining county, such notice to be published in the state paper, if there be one, and if there be none, then in some newspaper printed in the city of Detroit; such notice shall describe the land proposed to be taken by the company, or touching which damages are to be assessed, by the section and quarter section, or if in a city or village, by the section, block and number of lot, or by some other suitable and proper description; and any irregularity or defect touching such notice shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise; evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, or some disinterested person knowing the fact; such affidavit, when made within three months after the last publication of such notice, shall be prima facia evidence of the facts therein set forth.

Jury of inquisition.

Sec. 14. The commissioner or judge to whom such application shall be made, shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and the said judge or circuit court commissioner to whom such application was made, shall thereupon issue his warrant, under his hand and seal, inserting therein the twelve names so drawn by the clerk, and the twelve names so drawn from the petit jury box shall be thereupon deposited again by the clerk in said box, and the warrant so issued as aforesaid shall be directed to the sheriff of said county, or if the sheriff be interested, then to one of the coroners of said county, or in case the sheriff or coroners be jointly or severally interested, to some constable of said

county, requiring him to summon the twelve persons whose names are inserted in such warrant, as jurors, to meet on or near the land or property, or materials to be valued, or touching which damages are to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same, and if, at the said time and place, any of the persons summoned do not attend, the said sheriff or coroner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or coroner for him, her or them, may strike off three jurors, and the remaining six shall sit as a jury of inquest of damages, and before they act as such, the sheriff or coroner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owners or occupiers have sustained or will sustain, by the use or occupation of the land, or the taking of the materials or other property required by the said company, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to the said company, and the other to the party claiming compensation ; and the property taken, and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and a map thereof shall be set forth in such inquisition ; and such inquisition shall be filed in, and shall also be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made if no sufficient cause to the contrary be shown, and when confirmed, the same shall be recorded by the clerk of such court, at the expense of said company, but if not confirmed, another inquisition may be taken in the manner above specified.

Sec. 15. And the money assessed as the valuation in any such inquisition, which shall have been confirmed, being paid or legally tendered to the party entitled to the same, the property so taken and valued shall immediately thereupon vest in such company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof for such term of time as the same may be required for the purposes authorized by this act ; and in case the party entitled to

Inquisition.

Effect of payment or tender of damages.

preme court, for an assessment and inquisition as hereinafter provided.

Notice of as-
sessment.

Sec. 13. Previous notice of such application shall be given to the owner or occupier of the land to be taken, either by personal service of such notice three days before making such application, or by public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there be one, and if there be none so printed in the same county, then such notice to be published in a newspaper printed in an adjoining county, and if there be no paper so printed in an adjoining county, such notice to be published in the state paper, if there be one, and if there be none, then in some newspaper printed in the city of Detroit; such notice shall describe the land proposed to be taken by the company, or touching which damages are to be assessed, by the section and quarter section, or if in a city or village, by the section, block and number of lot, or by some other suitable and proper description; and any irregularity or defect touching such notice shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise; evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, or some disinterested person knowing the fact; such affidavit, when made within three months after the last publication of such notice, shall be prima facia evidence of the facts therein set forth.

Jury of in-
qu. of wa-
rrants.

Sec. 14. The commissioner or judge to whom such application shall be made, shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and the said judge or circuit court commissioner to whom such application was made, shall thereupon issue his warrant, under his hand and seal, inserting therein the twelve names so drawn by the clerk, and the twelve names so drawn from the petit jury box shall be thereupon deposited again by the clerk in said box, and the warrant so issued as aforesaid shall be directed to the sheriff of said county, or if the sheriff be interested, then to one of the coroners of said county, or in case the sheriff or coroners be jointly or severally interested, to some constable of said

county, requiring him to summon the twelve persons whose names are inserted in such warrant, as jurors, to meet on or near the land or property, or materials to be valued, or touching which damages are to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same, and if, at the said time and place, any of the persons summoned do not attend, the said sheriff or coroner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or coroner for him, her or them, may strike off three jurors, and the remaining six shall sit as a jury of inquest of damages, and before they act as such, the sheriff or coroner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owners or occupiers have sustained or will sustain, by the use or occupation of the land, or the taking of the materials or other property required by the said company, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to the said company, and the other to the party claiming compensation ; and the property taken, and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and a map thereof shall be set forth in such inquisition ; and such inquisition shall be filed in, and shall also be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made if no sufficient cause to the contrary be shown, and when confirmed, the same shall be recorded by the clerk of such court, at the expense of said company, but if not confirmed, another inquisition may be taken in the manner above specified.

Sec. 15. And the money assessed as the valuation in any such inquisition, which shall have been confirmed, being paid or legally tendered to the party entitled to the same, the property so taken and valued shall immediately thereupon vest in such company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof for such term of time as the same may be required for the purposes authorized by this act ; and in case the party entitled to re-

Inquisition.

Effect of payment or tender of damages.

ceive such money shall not appear before the jury which makes the inquisition, and make claim to such land, or shall not appear to demand or accept the money assessed as the valuation in any such inquisition, then a deposit with the Treasurer of this state of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the same ; and the State Treasurer shall receive and keep account of all money so received into the treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor or of a justice of the supreme court ; and such inquisition, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person to whom damages were awarded by such inquisition and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed by such inquisition, in manner aforesaid ; and if at any time it shall by any means happen that said company shall be in possession or occupancy of any land, the title to which, or the full right of use and occupancy whereof, for the purposes of said company in manner aforesaid, shall not have been duly relinquished to, or vested in said company, then, in any and all such cases said company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed ; and the commissioner or judge issuing the warrant, and the sheriff, coroner or constable, and jurors to be summoned under this act, shall be entitled for the services rendered by them to such compensation as may be fixed therefor by the chancellor or a justice of the supreme court, by an order for that purpose to be made by him, and which costs shall be paid by said company.

Regulation,
when co
may inter-
sect roads.

Sec. 16. Whenever in the construction of said rail road it shall be necessary to cross or intersect any established road, it shall be the duty of said company so to construct said rail road across such established road, as not unnecessarily to impede the passage of persons or property along the same ; and when it shall be necessary to construct it through the lands of any individual, it shall be their duty to provide

for such individual proper wagon ways, and keep the same in repair across said rail road, from one part of his land to another.

Sec. 17. If said company shall neglect to provide proper wagon ways across said rail road, and keep the same in repair as required by the preceding section of this act, it shall be lawful for any individual to sue said company, and to recover such damages as a court or jury may think him, her or them entitled to for such neglect or refusal on the part of said company. When it shall be necessary for the convenience of the public or persons receiving or sending property by said rail road, the said company shall permit side tracks to intersect their main road at any depot on or along the line of said road; and that such persons shall be entitled to have any property taken from such side tracks, under the direction and regulations of said company without unreasonable delay.

Sec. 18. If it shall be necessary for the said rail road company, in the selection of the route or the construction of said rail road, to be by them laid out and constructed, or any part of it, to connect the same with or to cross any rail road, canal, dam or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for the said company to contract with such other corporation for the right to cross or use such road, canal, dam or bridge, or for the transfer of such of the corporate or other rights and privileges of such corporation to the said company hereby incorporated, as may be necessary in that respect; and every such other corporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the persons authorized by the respective acts of incorporation, to exercise their corporate power, or any of the rights or privileges aforesaid; and every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the several parties under their respective corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the rights to use and enjoy the same as fully as they are used and enjoyed by the said corporation in whom they are now vested.

Sec. 19. The said company shall have power to purchase with the funds of the company, or contract for and place on any rail road constructed by them under this act, all machines, wagons, carriages or

vehicles of any description which they may deem necessary and proper for the purposes of transportation on said rail road, and they shall have power to charge for tolls and transportation, such sums as shall be lawfully established by the by-laws of said company ; and it shall not be lawful for any other company or any other person or persons to transmit any passenger or merchandize or property whatever upon said rail road or any part of it, without the license or permission of said company ; and the said rail road, with all its improvements, works and profits, and all machinery used on said rail road for transportation, and all the machine' shops, depots, buildings and edifices connected with said rail road, shall be vested in the said company forever ; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable on the books of said company, agreeably to the by-laws of said company, and subject to be taken in execution, agreeably to such laws as are or may be hereafter in force.

Tolls and
dues for
transportat'n

Sec. 20. The said company shall have full power and authority to ask for, demand, recover and take the tolls or dues to and for their own proper use and benefit, on all goods, merchandize and passengers using or occupying the said rail road, or any other convenience, erection or improvement built, occupied or owned by the said company, to be used therewith. But such tolls or dues shall not exceed the maximum to be charged by the Michigan central rail road company for corresponding distances ; and they shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage and storage, and shall have full power to erect and maintain such toll houses and other buildings, for the accommodation and proper transaction of their business as to them may seem necessary. Said company may charge and collect a reasonable sum for storage on property transported by them on said road, on delivery thereof at any of their depots, which property shall have remained so stored more than five days after notice to owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to owner, if consignee not known ; and said company shall transport merchandize and property and passengers upon said road, without partiality or favor. and with

For storage.

all practicable dispatch, under a penalty for each violation of this provision, of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against said company. But soldiers, sailors and marines, and officers of the army and navy of this State, or in the service of the United States, and arms, ordnance, military stores and munitions of war, shall take precedence of other persons or property, first in favor of this State, second of the United States.

Sec. 21. Whenever it shall be necessary for the construction of their rail road, to intersect or cross any stream of water or water course ^{May cross streams.} or road or highway, lying on the route of said rail road, it shall and may be lawful for the company to construct their rail road across or upon the same : *Provided*, That the company shall restore the stream or water course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness.

Sec. 22. The said company may annually or semi-annually, make such dividend as they may deem proper, of the nett profits, receipts ^{Dividends.} or income of the said company, deducting the necessary expenses, and they shall make a dividend among the stockholders of the said company in proper proportions to their respective shares.

Sec. 23. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock of said company at such times ^{Assessments on shares of stock.} and in such proportions, and on such conditions as they shall deem proper and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments ; and in case any subscriber or stockholder shall neglect to pay an assessment on his share or shares for thirty days after the time in such notice specified for the payment thereof, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser on the books of the company, by the president thereof : and such delinquent subscriber or stockholder shall be held accountable to the company for the residue of the assessments, not satisfied by the proceeds of such sale of his share or shares, if sold for less than the assessments due thereon, with the interests and costs of

sale, and such costs and interests to be first paid from the proceeds of such sale, and shall be entitled to the surplus if his share or shares shall sell for more than the assessments due, with interest and cost of sale : *Provided, however,* That no assessment shall be laid upon any shares in said corporation for a greater amount in the whole than one hundred dollars upon each share.

General
powers of
directors.

Sec. 24. The directors shall have full power to conduct the affairs of said company, and to exercise any powers which said company might exercise, except where provision is made by this act for the exercise of such powers by the stockholders at their annual or special meetings, or where the powers of the directors may be restrained by the by-laws of said company.

Annual re-
po t.

Sec. 25. The directors of said company shall annually, on or before the twenty-fifth day of January, make a report to the Secretary of State, which shall embrace the business of the preceding year, to the first day of January, stating the length of their road in operation, cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution, on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be ; the amount of capital stock subscribed and the amount actually paid in, and the amount of all loans made by said company for the purpose of constructing said road ; the amount of dividends, the names of the stockholders, with the amount of stock owned by each, respectively ; receipts from freight, from passengers, and from all other sources on account of operating the road ; the number of through and way passengers, respectively ; the expenditures for the repairs of the road, for the repairs of engines and cars, and other expenditures, which three items shall include all the expenditures for operating the road, and the expenditure made for construction during the year ; the number of engines, of passenger, freight and other cars ; the average number of men in employment of the company ; the number of miles run by passenger, by freight and other trains, which report shall be verified by the affidavit of at least two of the directors, and filed in the office of the Secretary of State.

Annual tax.

Sec. 26. The said company shall pay to the state an annual tax of half of one per cent upon its capital stock paid in, including all loans made by said company, for the purpose of constructing said rail road,

until the first day of February, A. D. one thousand eight hundred and sixty, and thereafter an amount of one per cent. on the capital stock paid in, including all loans made to such company, which tax shall be paid in the last week in January in each year to the State Treasurer, and the property and effects of said company, whether real, personal or mixed, shall, in consideration thereof, be exempt from all and every tax, charge and exaction by virtue of any laws of this state now or hereafter to be in force, except penalties by this act imposed.

Sec. 27. The state shall have a lien upon the rail road of said company, its appurtenances and stock thereon, for all penalties, taxes and dues which may accrue to the state from said company, which shall take precedence of all other debts and demands, judgments or decrees against said company; and every inhabitant in this state shall have a lien upon said rail road, stock and appurtenances, and upon the property of said company, for all penalties, dues or demands against said company to the amount of one hundred dollars, originally contracted within this state, which, after said state lien, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said road or company. State Lien.

Sec. 28. If any person shall wilfully or maliciously do, or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building, construction or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be guilty of a misdemeanor, and may be punished, upon conviction, by fine or by imprisonment not exceeding five years, or both, at the discretion of the court; and shall forfeit and pay to said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said company, with costs of suit, by action of trespass or trespass on the case. Trespasses, &c.

Sec. 29. Said company shall at all times, if required by the post office department, transport the United States mail upon said road, as often as their cars shall pass thereon, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department; and in case no such agreement can be made, it shall be lawful for the Governor of this State to appoint one commis- Transportation of U. S. mail.

sioner, and the said company one, who, in case they cannot agree, shall appoint a third commissioner: which said commissioners, or a majority of them, shall agree upon and fix the price, terms and conditions of transporting such mail, after fifteen days' notice to said company: *Provided*, That nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

State right
to purchase
road.

Sec. 30. The state may at any time after twenty years from the approval of this act, purchase and take from said company said rail road, and all the effects, assets and property of said company, and said rail road, property and appurtenances (subject to all existing mortgages or other liens thereon, on account of loans, the proceeds of which shall have been invested in the said road and other works of said company) shall fully and forever vest in and become the estate, property and effects of the state, to all intents and purposes, so soon and whenever, after the day aforesaid, the state shall pay or cause to be paid to said company, the value of the entire stock of said shares in said company, at the market value of such stock or shares, and ten per cent in addition to the market value of such stock or shares. The market value of said stock or shares to be ascertained by the supreme court of this state, in case the said company and the state cannot agree upon said value.

Duration of
charter.
Repeal, &c.

Sec. 31. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act.

Lien of inha-
bitants.

Sec. 32. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars each, against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such company.

Sec. 33. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 200.

AN ACT to create a board of fund commissioners, and to define their powers and duties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State Treasurer, Auditor General and Secretary of State, be and are hereby constituted a board of fund commissioners. Board constituted.

Sec. 2. Whenever, after paying or reserving a sum sufficient to meet all liabilities payable from the general fund, for the current expenses of the state government, and for the payment of interest on state indebtedness provided for by law, there shall be in the state treasury a surplus over and above such liabilities, the board aforesaid shall have power and it shall be their duty to invest the same as they may find for the best interest of the state, in the purchase of stock, bonds and other liabilities of this state. When surplus in treasury board shall invest the same in state stocks, &c.

Sec. 3. Said board before purchasing any such stocks or other evidences of debt, shall cause a notice to be published by three insertions in one or more daily papers of the largest circulation in each of the cities of Detroit and New York, that proposals for the sale of stock or other evidence of debt of this state, not then past due, will be received by the fund commissioners at the seat of government, at any time prior to a day specified in said notice, and which shall be at least two weeks subsequent to the first publication of said notice in either of the cities aforesaid. No such stocks or evidences of state indebtedness shall be purchased at more than par value, and the commissioners shall in all cases accept of the lowest bids ; but preference shall be given at the same prices for the state indebtedness first to become due. Board shall advertise before purchasing, and shall not purchase at more than par value.

Sec. 4. The State Treasurer shall be charged on the books of the Auditor General with the amount of discount allowed on the purchase of the stocks, bonds or other liabilities above mentioned ; and upon cancelment of the same shall be credited with the payment thereof at their par value. Accounts of treasurer.

Sec. 5. The said board shall keep a record of all their proceedings, and submit a report thereof to the legislature each year at the commencement of their annual session. Record of board and report of proceedings.

App roved April 3, 1848.

No. 201.

AN ACT in relation to rooms for the Supreme Court in the city of Detroit, and armory and office for the Adjutant General.

Sup. court
at Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the clerk of the supreme court for the first circuit, under the direction of the justices of said court, be and is hereby authorized to fit up or cause to be fitted up the room in the state building in Detroit, formerly used as the office of the Auditor General, for a court room for said court, in lieu of the upper room in said building now used for that purpose.

Clerk to fit
up rooms.

Sec. 2. The said clerk, under the direction of the court, shall also cause to be fitted up the two rooms over the above mentioned room for the court, as consulting and reading rooms, with necessary desks, book cases and other proper furniture.

Appropriation

Sec. 3. A sum not exceeding one hundred and fifty dollars shall be and is hereby appropriated for fitting up and furnishing said rooms; and the Auditor General, on the certificate of said clerk that any work authorized under the preceding sections has been executed and accepted, or materials delivered, in pursuance of a contract or agreement made by him to that effect, shall credit [audit] and allow the account for such work or materials, and draw a warrant on the State Treasurer, payable out of the above appropriation.

Adjutant
Gen'l's room,
and appro-
priation
therefor.

Sec. 4. The room now occupied as a supreme court room and the rooms on the south side on the first floor shall be placed at the disposal of the adjutant general for an armory and office; and a sum not exceeding fifty dollars shall be and is hereby appropriated for fitting up the same, to be paid on the certificate of the adjutant general that accounts for work or materials done or furnished are correct.

Sec. 5. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 202.

AN ACT to incorporate the Genesee and Oakland Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Henry M. Henderson, Addison

Stewart, James B. Walker, Enos Goodrich, James Kipp, Elijah B. Clark, Horace C. Thurber, and John S. Goodrich, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Genesee and Oakland Rail Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of securing subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscription, in some newspaper printed in the city of Detroit and in the villages of Flint and Pontiac.

Sec. 2. The capital stock of said company shall be two hundred and fifty thousand dollars, in two thousand five hundred shares of one hundred dollars each; and so soon as five hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic, by the name and style of the Genesee and Oakland Rail Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned and no further, and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and shall have, enjoy, and exercise all the powers, rights and privileges which appertain to corporate bodies for the purposes mentioned in this act.

Sec. 3. Said company hereby created shall have power to construct a rail road with a double or single track from the village of Pontiac, in the county of Oakland, to the village of Flint, in the county of Genesee, in the state of Michigan, passing through the most desirable and eligible route, through the counties of Oakland and Genesee, with power to take, transport and carry property and persons upon the said rail road, or any part thereof herein authorized to be constructed, by the power and force of steam or of animals, or of any mechanical or other power, or of any combination of them which the said company may choose to apply.

Sec. 4. If said corporation shall not within five years after the passage of this act, commence the construction of the said rail road,

and shall not within ten years from the passage of this act, construct, finish and put in operation the whole of said rail road, then the rights, privileges and powers of the said corporation shall be null and void, so far as it regards such part of said rail road as shall not be finished within the periods limited by this act.

1st meeting
of subscri-
bers.

Sec. 5. Whenever five hundred shares of the capital stock shall have been subscribed, if within two years from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, by giving thirty days' public notice of such meeting, and shall lay the books of subscription before the subscribers then present, and thereupon the said stockholders or a majority of them, shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company, and all of whom shall be stockholders in said company; and said directors are empowered to elect one of their number president; and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy.

Directors to
be chosen
annually.

Sec. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually on the first Monday in October, at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company or a majority of them. The president and directors of said company shall hold their office until a new election of president and directors. All elections which are by this act or by the by-laws of the company to be made on any particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in preceding section.

General
meeting.

Sec. 7. A general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of president and directors; and a meeting may be called at any time during the interval between the said annual meetings, by the president and directors or by the stockholders owning not less than one fourth of the whole stock subscribed, by giving thirty days public notice of the time and place of meeting; and when any such meeting is

called by the stockholders, the particular object of such call shall be stated ; and if, at any meeting thus called, stockholders owning a majority of stock subscribed are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business ; and if, within said three days, stockholders having a majority of such stock do not attend such meeting in person or by proxy, then the said meeting shall be dissolved.

Sec. 8. At each annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company ; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required ; and at all general meetings of the stockholders, those holding a majority of the stock subscribed, may remove from office any of the president, or any directors of company, and elect others in their stead : *Provided*, Notice of such intended removal has been given as hereinbefore provided.

Annual statement of officers.

Sec. 9. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure ; and the said president and directors, or a majority of them, shall have power to determine the manner and evidence of the transfers of the stock in said company ; and they shall have power to pass all the by-laws which may be necessary for carrying into execution all the powers vested in the company hereby incorporated : *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States, nor of this State : *And provided further*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, dealing in produce or any other business except what properly belongs to a rail road and transportation company, as hereinafter provided. But the said company shall have power and authority to build, own, hire and use, in the navigation of the lakes and the rivers and waters connecting the same, one or more boats or vessels, for the purpose of transporting persons and property to and

Powers of directors.

from the ports upon said waters, and to receive such remuneration therefor as may seem just and proper, and to exercise all the powers in relation to the management of such boats or vessels as an individual might lawfully do.

Co. may appropriate & use lands, &c

Sec. 10. For the purpose of constructing said rail road or way, said company shall have authority and power to lay out, designate and establish their road in width not exceeding one hundred feet through the entire line thereof, and may take, have and appropriate to their use all such lands so designated for the line or construction of said road ; and for the purpose of cuttings and embankments, and for the obtaining of stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction and security of said road, and for constructing shops, depots and other proper, suitable and convenient fixtures, in connection with, and as appertaining to said rail road, may take, have, use and occupy any lands on either side of said rail road not exceeding two hundred feet in width from said rail road, the said company taking all such lands as gifts, or purchasing or making satisfaction for same in manner hereinafter provided.

May enter upon lands of others.

Sec. 11. The said company, and under their direction their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said rail road, with one or more sets of tracks or rails, and for all the purposes connected with said rail road, for which the said company, by the last preceding section is authorized to take, have or appropriate any lands, and to fell and cut down all timber and other trees, standing or being within one hundred feet on each side of said line of rail road ; the damages occasioned by the felling of trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said company ; and also to make, build, erect and set up in and upon the route of said rail road, or upon the land adjoining or near the same, all such works, ways, roads and conveniences, as may be requisite and convenient for the purposes of said rail road ; and also from time to time to alter, repair, amend widen or enlarge the same, or any of the conveniences

above mentioned, as well for the carrying or conveying goods, commodities, timber or other things to and upon said rail road, as for carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of or connected with said rail road, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road or any of its works or appurtenances; and also to make, repair or maintain and alter any fences or passages under or through the said rail road, or which shall communicate therewith, and to construct, erect and keep in repair any piers, arches or other works in, upon and across any rivers or brooks, for making, using and maintaining the said rail road and side paths, and also to construct, make and do all other matters and things which may be necessary and convenient for making effecting and preserving, improving completing and using the said rail road, in pursuance of and within the true intent and meaning of this act, they, the said company, doing as little damage as possible in the execution of the several powers to them hereby granted, and first making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments, before appropriating the same to the construction of said road.

Sec. 12. The said company shall have power to receive, take and hold all such voluntary grants and donations of land and real estate for the purposes of said rail road, as may or shall be made to said company, to aid in the construction, maintenance and accommodation of said rail road, and said company may contract and agree with the owners or occupiers of any lands upon which the said company may wish to construct the said rail road or way, or which said company may wish to use or occupy for the purpose of excavation, or of procuring stone, sand, gravel, earth or other materials, to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said rail road, or which the company may wish to use or occupy in any manner, or for any purpose or purposes connected with said rail road, for which the said company is authorized or empowered by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any or all such lands, and of any or all

May receive
grants of
lands, &c.

Assessment
of damages.

interests or estates therein, to them and their assigns, in fee or otherwise ; and in case said company cannot agree with the owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owner or occupier thereof ; or if the owners or occupiers, or either or any of them, be a femme covert, under age, non compos mentis, unknown or out of the county in which the land or property wanted may lie or be situate, application may be made to the circuit court commissioner, county judge or judge of probate of such county in which the lands are situate, or a judge of the supreme court, for an assessment and inquisition as hereinafter provided.

Notice of as-
sessment.

Sec. 13. Previous notice of such application shall be given to the owner or occupier of the land to be taken, either by personal service of such notice three days before making such application, or by a public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there be one, and if there be none so printed in the said county, then such notice to be published in a newspaper printed in an adjoining county, if there be any newspaper printed in an adjoining county, and if there be no paper so printed in an adjoining county, such notice to be published in the state paper if there be one, and if there be none, then in some newspaper printed in the city of Detroit ; such notice shall describe the land proposed to be taken by the company, or touching which damages are to be assessed, by the section and quarter section, or if in a city or village, by the section, block and number of lot, or by some other suitable and proper description ; and any irregularity or defect touching such notice shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise ; evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, or some disinterested person knowing the fact ; such affidavit, when made within three months after the last publication of such notice, shall be prima facie evidence of the facts therein set forth.

Jury of in-
quest of da-
mages.

Sec. 14. The commissioner or judge to whom such application shall be made, shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve names from

such box accordingly, and the said judge or circuit court commissioner to whom such application was made, shall thereupon issue his warrant, under his hand and seal, inserting therein the twelve names so drawn by the clerk, and the twelve names so drawn from the petit jury box shall thereupon be deposited again by the clerk in said box, and the warrant so issued as aforesaid shall be directed to the sheriff of said county, or if the sheriff be interested, then to one of the coroners of said county, or in case the sheriff or coroners be jointly or severally interested, to some constable of said county, requiring him to summon the twelve persons whose names are inserted in such warrant, as jurors, to meet on or near the land or property, or materials to be valued, or touching which damages are to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same, and if, at the same time and place, any of the persons summoned do not attend, the said sheriff or coroner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or coroner for him, her or them, may strike off three jurors, and the remaining six shall sit as a jury of inquest of damages, and before they act as such, the sheriff or coroner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owners or occupiers have sustained or will sustain, by the use or occupation of the land, or the taking of the materials or other property required by the said company, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to the said company, and the other to the party claiming compensation ; and the property taken, and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and a map thereof shall be set forth in such inquisition ; and such inquisition shall be filed in, and shall also be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made if no sufficient cause to the contrary be shown, and when confirmed, the same shall be recorded by the clerk of such court, at the expense

of said company, but if not confirmed, another inquisition may be taken in the manner above specified.

Effect of pay-
ment or ten-
der of dama-
ges.

Sec. 15. And the money assessed as the valuation in any such inquisition, which shall have been confirmed, being paid or legally tendered to the party entitled to the same, the property so taken and valued shall immediately thereupon vest in such company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof for such term of time as the same may be required for the purposes authorized by this act ; and in case the party entitled to receive such money shall not appear before the jury which makes the inquisition, and make claim to such land, or shall not appear to demand or accept the money assessed as the valuation in any such inquisition, then a deposit with the Treasurer of this state of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the same ; and the State Treasurer shall receive and keep account of all moneys so received into the treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor or of a justice of the supreme court ; and such inquisition, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person to whom damages were awarded by such inquisition and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed by such inquisition, in manner aforesaid ; and if at any time it shall by any means happen that said company shall be in possession or occupancy of any land, the title to which, or the full right of use and occupancy whereof, for the purposes of said company in manner aforesaid, shall not have been duly relinquished to, or vested in said company, then, in any and all such cases such company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed ; and the commissioner or judge issuing the warrant, and the sheriff, coroner or constable, and jurors to be summoned under this act, shall be entitled for the services rendered by

them to such compensation as may be fixed therefor by the chancellor or a justice of the supreme court, by an order for that purpose to be made by him, and which costs shall be paid by said company.

Sec. 16. Whenever in the construction of said rail road it shall be necessary to cross or intersect any established road, it shall be the duty of said company so to construct said rail road across such established road, as not unnecessarily to impede the passage of persons or property along the same ; and when it shall be necessary to construct it through the lands of any individual, it shall be their duty to provide for such individual proper wagon ways, and keep the same in repair across said rail road, from one part of his land to another.

Regulation,
when co.
may inter-
sect roads.

Sec. 17. If said company shall neglect to provide proper wagon ways across said rail road, and keep the same in repair as required by the preceding section of this act, it shall be lawful for any individual to sue said company, and to recover such damages as a court or jury may think him, her or them entitled to for such neglect or refusal on the part of said company. When it shall be necessary for the convenience of the public or persons receiving or sending property by said rail road, the said company shall permit side tracks to intersect their main road at any depot on or along the line of said road ; and that such persons shall be entitled to have any property taken from such side tracks, under the direction and regulations of said company without unreasonable delay.

Penalties.

Sec. 18. If it shall be necessary for the said rail road company, in the selection of the route or the construction of the said rail road, to be by them laid out and constructed, or any part of it, to connect the same with or to cross any rail road, canal, dam or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for the said company to contract with such other corporation for the right to cross or use such road, canal, dam or bridge, or for the transfer of such of the corporate or other rights and privileges of such corporation to the said company hereby incorporated, as may be necessary in that respect ; and every such other corporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the persons authorized by the respective acts of incorporation, to exercise their corporate power or any of the rights and privileges aforesaid ; and

Connection
with cross-
ing rail road,
canal, &c.

every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the respective parties under their several corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the rights to use and enjoy the same as fully as they are used and enjoyed by the said corporation in whom they are now vested.

**Powers of
company.**

Sec. 19. The said company shall have power to purchase with the funds of said company, or contract to for and place on any rail road constructed by them under this act, all machines, wagons, carriages or vehicles of any description which they may deem necessary and proper for the purposes of transportation on said rail road, and they shall have power to charge for tolls and transportation, such sums as shall be lawfully established by the by-laws of said company; and it shall not be lawful for any other company or any other person or persons to transmit any passenger or merchandize or property of any description whatever upon said rail road or any part of it without the license or permission of said company; and the said rail road, with all its improvements, works and profits, and all machinery used on said rail road for transportation, and all the machine shops, depots, buildings and edifices connected with said rail road shall be vested in the said company forever, and the shares of the capital stock of said company shall be considered personal property, and shall be transferable on the books of said company, agreeably to the by-laws of said company, and subject to be taken in execution, agreeably to such laws as are or may be hereafter in force.

**Tolls and
dues for
transportat'n**

Sec. 20. The said company shall have full power and authority to ask for, demand, recover and take the tolls or dues to and for their own proper use and benefit, on all goods, merchandize and passengers using or occupying the said rail road, or any other convenience, erection or improvement built, occupied or owned by the said company, to be used therewith; and they shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage and storage, and shall have full power to erect and maintain such toll houses and other buildings, for the accommodation and proper transaction of their business as to them may seem necessary. Said company may charge

and collect a reasonable sum for storage on property transported by them on said road, on delivery thereof at any of their depots, which property shall have remained so stored more than five days after notice to the owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to owner, if consignee not known; and said company shall transport merchandize and property and passengers upon said road, without partiality or favor, and with all practicable dispatch, under a penalty for each violation of this provision, of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against said company. But soldiers, sailors and marines, and officers of the army and navy of this State, or in the service of the United States, and arms, ordnance, military stores and munitions of war, shall take precedence of other persons or property, first in favor of this State, second of the United States.

Sec. 21. Whenever it shall be necessary for the construction of their rail road, to intersect or cross any stream of water or water course ^{May cross streams.} or road or highway, lying on the route of said rail road, it shall and may be lawful for the said company to construct their rail road across or upon the same: *Provided*, That the company shall restore the stream or water course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness.

Sec. 22. The said company may annually or semi-annually, make such dividend as they may deem proper, of the nett profits or in- ^{Dividend.} come of the said company, deducting the necessary expenses, and they shall make a dividend among the stockholders of the said company in proper proportions to their respective shares.

Sec. 23. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock of said company at such times ^{Assessments on shares of stock.} and in such proportions, and on such conditions as they shall deem proper and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay an assessment on his share or shares for the space of thirty days after the time in such notice specified for the payment thereof, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to

sell such shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser on the books of the company, by the president thereof: and such delinquent subscriber or stockholder shall be held accountable to the company for the residue of the assessments, not satisfied by the proceeds of such sale of his share or shares, if sold for less than the assessments due thereon, with the interests and costs of sale, and such costs and interests to be first paid from the proceeds of such sale, and shall be entitled to the surplus if his share or shares shall sell for more than the assessments due, with interest and cost of sale: *Provided, however,* That no assessment shall be laid upon any shares in said corporation for a greater amount in the whole than one hundred dollars upon each share.

General
powers of
directors.

Sec. 24. The directors shall have full power to conduct the affairs of said company, and to exercise any powers which said company might exercise, except where provision is made by this act for the exercise of such powers by the stockholders at their annual or special meetings, or where the powers of the directors may be restrained by the by-laws of said company.

Annual re-
port.

Sec. 25. The directors of said company shall annually, on or before the twenty-fifth day of January, make a report to the Secretary of State, which shall embrace the business of the preceding year, to the first day of January, stating the length of their road in operation, cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution, on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be; the amount of capital stock subscribed and the amount actually paid in, and the amount of all loans made by said company for the purpose of constructing said road; the amount of dividends, the names of the stockholders, with the amount of stock owned by each, respectively; receipts from freight, from passengers, and from all other sources on account of operating the road; the number of through and way passengers, respectively; the expenditures for the repairs of the road, for the repairs of engines and cars, and other expenditures, which three items shall include all the expenditures for operating the road, and the expenditure made for construction during the year; the number of engines, of passenger, freight and other cars;

the average number of men in employment of the company ; the number of miles run by passenger, freight and other trains, which report shall be verified by the affidavit of at least two of the directors, and filed in the office of the Secretary of State.

Sec. 26. The said company shall pay to the state an annual tax of one half of one per cent upon its capital stock paid in, including all loans ^{Annual tax} made by said company, for the purpose of constructing said rail road, until the first day of February. A. D. one thousand eight hundred and fifty-eight, and thereafter an amount of one per cent. on the capital stock paid in, including all loans made to such company, which tax shall be paid in the last week in January in each year to the State Treasurer, and the property and effects of said company, whether real, personal or mixed, shall, in consideration thereof, be exempt from all and every other tax, charge and exaction by virtue of any laws of this state now or hereafter to be in force, except penalties by this act imposed.

Sec. 27. The state shall have a lien upon the rail road of said company, its appurtenances and stock thereon, for all penalties, taxes and ^{State lien} dues which may accrue to the state from said company, which shall take precedence of all other debts and demands, judgments or decrees against said company ; and every inhabitant in this state shall have a lien upon said rail road, stock and appurtenances, and upon the property of said company, for all penalties, dues or demands against said company to the amount of one hundred dollars, originally contracted within this state, which, after said state lien, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said rail road or company.

Sec. 28. If any person shall wilfully or maliciously do, or cause to be done, or aid in doing or causing to be done, any act or acts what- ^{Trespass, &c.} ever, whereby any building, construction or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be guilty of a misdemeanor, and may be punished, upon conviction, by fine or by imprisonment not exceeding five years, or both, at the discretion of the court ; and shall forfeit and pay to said corporation treble the amount of damages sustained by means of such offence or injury, to

be recovered in the name of said company, with costs of suit, by action of trespass or trespass on the case.

Transporta-
tion of U. S.
mail.

Sec. 29. Said company shall at all times, if required by the post office department, transport the United States mail upon said road, as often as their cars shall pass thereon, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department; and in case no such agreement can be made, it shall be lawful for the Governor of this State to appoint one commissioner, and the said company one, who, in case they cannot agree, shall appoint a third commissioner; which said commissioners, or a majority of them, shall agree upon and fix the price, terms and conditions of transporting such mail, after fifteen days' notice to said company: *Provided*, That nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

State right
to purchase
road.

Sec. 30. The state may at any time after twenty years from the approval of this act, purchase and take from said company said rail road, and all the effects, assets and property of said company, and said rail road, property and appurtenances (subject to all existing mortgages or other liens thereon, on account of loans, the proceeds of which shall have been invested in the said rail road and other works of said company) shall fully and forever vest in and become the estate, property and effects of the state, to all intents and purposes, so soon and whenever, after the day aforesaid, the state shall pay or cause to be paid to said company, the value of the entire stock of said shares in said company, at the market value of such stock or shares, and ten per cent in addition to the market value of such stock or shares. The market value of said stock or shares to be ascertained by the supreme court of this state, in case the said company and the state cannot agree upon said value.

Limitation
of powers.

Sec. 31. No provision of this act shall be so construed as to authorize said company to use any of its capital either directly or indirectly, in any banking, brokerage or stock-jobbing transaction.

Repeal.

Sec. 32. The legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years after

the passage of this act, unless for some violation by said company of some of the provisions of this act.

Sec. 33. This act shall take effect, and be in force from and after its passage.

Approved April 3, 1848.

No. 203.

AN ACT concerning the village of Hillsdale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the incorporation of the "village of Hillsdale," and the powers and duties of the president and trustees of the village of Hillsdale, made and conferred by an act entitled "an act to incorporate the village of Hillsdale," approved March sixteenth, eighteen hundred and forty-seven, shall be as full and effectual as if the requirements of section three of said act had been in every respect complied with, and the duties, liabilities and powers of the officers of said incorporation, and the by-laws, ordinances and regulations for its government heretofore made, and all the acts done in conformity thereto, shall be as valid and binding as if the organization under said act had been in every respect legal. Certain acts legalized.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 204.

AN ACT to authorize the corporation of the village of Adrian to borrow money for the purposes therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for the president and trustees of the village of Adrian to borrow, on the faith and credit of said village, any sum of money not exceeding twenty-five thousand dollars, for a term not exceeding thirty years, at a rate of interest not exceeding seven per centum per annum, and to execute bonds therefor, under the common seal of the corporation of said village, and Cert'n sums of money may be loaned.

the signature of the president : *Provided*, That no such loan or bonds shall be made as aforesaid until after the subject shall have been submitted to the electors for their approval or rejection. The bonds so to be executed may be for sums not less than five hundred dollars each, and not exceeding in the aggregate the sum of twenty-five thousand dollars : the said bonds to be in such form, and the principal and interest made payable at such places and times, not exceeding thirty years, as may be agreed upon by the lenders.

Vote of electors on proposal to loan, as above.

Sec. 2. For the purpose of determining whether said loan shall or shall not be made, the electors of said village may, at the next ensuing annual charter election in said village, vote thereon by ballot, and every ballot in favor of said loan shall have written or printed thereon the words "loan—yes," and every ballot against said loan shall have written or printed thereon the words "loan—no." All ballots given for or against such loan at such election, shall be received and counted by the inspectors of such election, in the same manner that other ballots are received and counted, and the result of such vote shall be certified by such inspectors, and no such loan as aforesaid shall be made, unless it shall appear from such certificate that a majority of the lawful electors voting at such election shall have voted in favor thereof.

Investment of money borrowed.

Sec. 3. The money to be borrowed by authority of this act. shall be invested in such stock of the Adrian and Bean Creek plank road company as may be created by law, and shall be used for no other purpose whatever ; and for that purpose the president and trustees of the village of Adrian, in the corporate name of said village, may subscribe for or purchase such stock, to the amount of said sum of twenty-five thousand dollars ; and by virtue of said subscription or purchase of stock, and upon receiving certificates or the transfer of certificates for the amount of said said stock so by them to be subscribed for or purchased, the president and trustees of said village shall acquire all the rights and privileges, and be liable to the same responsibilities as other owners of such stock.

Sec. 4. This act shall take effect immediately.

Approved April 3, 1848.

No. 205.

AN ACT to amend an act to provide for the draining of swamps, marshes and other low lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act to provide for the draining of swamps, marshes and other low lands, be amended so that the commissioners appointed under and by virtue thereof, shall have power to locate or relocate drains or to alter or vary the size thereof: *Act amended*
Provided, That no such alteration or variation shall be made without the consent of the contractor. But if at any time said commissioners shall extend, alter, locate or relocate any drain, thereby increasing the expense of such drain, then and in such case they shall make report of their doings from time to time according to the facts, to the county court of the proper county, who shall in all cases act in accordance with the provisions of this act and the act to which this is amendatory.

Sec. 2. Whenever any orders drawn by the commissioners shall be presented to the county treasurer, and there shall be no funds in his hands applicable to the payment thereof, the county treasurer shall indorse thereon the date of such presentation, with his signature thereto, and such orders shall draw interest from and after such presentation and endorsement.

Sec. 3. Whenever any drain shall be laid upon any public road, or where drains have been laid and roads shall hereafter be laid out beside said drain, it shall be the duty of commissioners of highways and overseers of their respective road districts, to keep said drains open and free of all obstructions.

Sec. 4. If any person shall wilfully or maliciously obstruct or injure any drain laid out by and under the provisions of this or the act to which this is amendatory, he shall be subject to fine not exceeding ten dollars, together with such sum as will be required to repair said damage, and costs of suit; which fine may be recovered in any action of debt at the suit of any one of said commissioners before any justice of the peace of the proper county. And when any recovery shall be had, and the same collected, it shall be paid the complainant and

by him deposited with the township treasurer in the township where such damage occurred, for the benefit of highways in such township.

Sec. 5. Section nine is hereby amended by inserting after the word "taxes," in the eighth line, the words "but the Auditor General shall not be required to credit or pay to either of the counties, any such tax returned to his office until the same shall have been actually paid into the office of the State Treasurer for such taxes, or for the sale of the lands to individuals, or for the redemption or purchase of bids made by the state." And all lands on which such tax or assessment shall not be paid, and which are returned to the Auditor General's office for the non-payment thereof, shall be advertised for sale, at the same time and in the same manner as county taxes, excepting that the amount of such tax or assessments shall be stated and advertised in a line separate and distinct from all other taxes, and if such tax assessment shall not be paid previous to the day of sale, and if, when said lands shall be offered for sale for such tax or assessment by the county treasurer, no person shall bid for the said lands a sum equal to the tax or assessment thereon, together with the interest and charges, then the said lands shall be bid off by the county treasurer for the county, and the county shall thereby become vested with the same rights, and be subject to the same liabilities that the state acquire or sustain in and for lands bid off by such treasurer for the state, and such lands may be redeemed, or they may be sold by the county treasurer in like manner, and with like effect as lands bid in by the state for taxes, and all deeds given by the county treasurer for any of said lands, shall be prima facie evidence of the regularity of all proceedings to the date thereof.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 206.

AN ACT to amend the revised statutes of eighteen hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That the act entitled an act for revi-*

sing and consolidating the general statutes of the state of Michigan, ^{Revised statutes amended.} approved May eighteenth, eighteen hundred and forty-six, be and the same is hereby amended as follows :

Sec. 2. In chapter twenty-four, section twenty-one, after the word ^{Chap 24, sec 21.} "portion," in the second line, insert the words "over ten dollars."

Sec. 3. Chapter twenty shall be amended by inserting in the fifth ^{Chap 20, sec. 3.} line of the third section, after the word "interest," "either within or without this state."

Sec. 4. Chapter sixteen shall be amended by adding at the end of ^{Chap 16, sec 55.} the fifty-fifth section, the words, "unless the person selected shall file with the clerk of his township, within said ten days, a written notice stating that he declines accepting the office."

Sec. 5. Chapter ninety-two shall be amended by so altering the ^{Chap 92, sec 2.} proviso at the end of the second section, that it shall read—" *Provided*, That when the office of county judge or second judge shall become vacant from any cause, such vacancy shall be filled at the first general election thereafter, or at any annual township meeting."

Sec. 6. The thirty-second section of said chapter ninety-two shall ^{Chap 92, sec. 32.} be amended by striking out the words "in fifteen," in the last line of said section, and inserting the words "not less than ten nor more than fifteen."

Sec. 7. Chapter ninety-three of the revised statutes of this state be ^{Chap 93, secs 10, 11 and 12} and the same is hereby amended as follows : Section ten shall be amended by striking out all after the word "attachment," in the third line, and inserting the words "or writ of replevin." The eleventh and twelfth sections of said chapter are hereby repealed.

Sec. 8. Chapter one hundred and twenty-three shall be amended in ^{Chap 123, sec's 3 & 13} sections three and thirteen thereof, by inserting in each section, the words "his agent or attorney," immediately after the words, "the person entitled to the possession of the premises."

Sec. 9. Chapter one hundred and fifty shall be amended by striking ^{Chap 150, sec's 44, 45 and 46.} out sections forty four, forty-five and forty-six. Chapter seventy-nine shall be amended by adding to the fourteenth section, to stand as clause ^{Chap 79, sec 14.} four, the following : "By the purchaser of the title and right of redemption of the person against whom the execution issued." Section ^{Chap 79, sec 19.} nineteen shall be amended by striking from the fifth line of said section the words, "and which shall be a lien and charge upon the prem-

Chap 79, sec 11. **ises sold."** Section thirty-seven shall be amended by inserting between the words "estate" and "may," first line, "and real estate sold

Chap 79, sec 12. **on execution."** Section thirty-eight shall be amended by inserting between the words "mortgage" and "or," in the third line, "or the amount of any sale of said premises sold on execution ;" and by inserting between the words "mortgage" and "shall," in fourth line of said section, "or execution sale."

Chap 79, sec added. **Sec. 10.** That said chapter seventy-nine shall be amended adding to the end thereof to stand as section fifty-three, the following :

"Section fifty-three. The provisions of the chapter shall apply to sales on executions prior to its taking effect, subject to the time of redemption allowed by law under which such sales were made."

Chap 58, sec 140. **Sec. 11.** Chapter fifty-eight shall be amended by striking out section one hundred and forty, and insert instead the following, viz :
"The qualified voters of any school district, may by vote at their annual district meeting, raise by tax upon the taxable property of the district a sum not exceeding one dollar for every scholar in the district between the ages of four and eighteen years, for the support of common schools in the district, and such tax shall be reported to the supervisor of the proper township, and shall be levied, collected and returned in the same manner as township taxes are levied, collected and returned."

Chap 154, sec 49. **Sec. 12.** Chapter one hundred and fifty-four section forty-nine shall be amended by inserting between the words "the " and "freehold," in the eighth line, the words "cultivated and improved."

Chap 7, sec 9. **Sec. 13.** Section nine of chapter seven, shall be amended by adding at the end of said section the following : "And the board shall cause said statement to be published in a tabular form in one or more newspapers printed in the county where such election was held."

Chap 90, sec 110. **Sec. 14.** Chapter ninety shall be amended by adding to the one hundred and tenth section thereof the following proviso : "*Provided,* That in cases where the premises described in the mortgage are situated in different counties, a bill to foreclose such mortgage may be filed in the circuit court in chancery in a county where any part of the mortgaged premises are situated."

Chap 130, sec 9. **Sec. 15.** Chapter one hundred and thirty shall be amended by striking out of section nine all between the word "to," in line two, and

the word "specifying," in line three, and inserting in lieu thereof the following: "each purchaser a deed of the premises bid off by him."

Sec. 16. That section twenty-six of chapter thirty-eight be and hereby is amended by inserting next after the word "village," in the third line thereof, the following: "except the city of Monroe and the villages of Grand Rapids and Adrian." Chap 38, sec 26.

Sec. 17. Amend section one hundred and ninety of chapter ninety-three of the revised statutes, by adding to the end thereof the following: Chap 93, sec 190. "and whenever such vacancy shall happen by the division or any alteration of the boundary of a township or city, said books and papers shall be delivered to the clerk of the township or city, in which is the last place of residence prior to such vacancy of such justice."

Sec. 18. Chapter ninety-two shall be amended by adding to the thirty-fourth section thereof the following proviso: "*Provided, That* Chap 92, sec 34. when the premises described in the mortgage are situated in different counties, the said mortgage may be foreclosed in the county where the greater quantity of land so described is situated, and in case the respective parcels contain an equal number of acres, then such mortgage may be foreclosed in any one of the counties where any portion of said lands are situated."

Sec. 19. That chapter eight, section one be amended by striking out the words "associate judges of the circuit court," in the fifth line of said section. Chap 8, sec 1

Sec. 20. That section thirty of chapter ninety-two of said statutes be amended by adding to the end of said section the following: "and Chap 92, sec 30. against the body of said defendant when the same is authorized by law."

Sec. 21. That chapter twenty-eight of title six of the revised statutes of eighteen hundred and forty-six be amended by adding the following section to stand as a new section, between sections four and five of said chapter: Chap 28, sec added. "But if any such injury shall be done, within any road district, by the overseer of highways of such district, or with his assent, or if any overseer of highways of any road district shall refuse or neglect to prosecute for any such injury done within his district, it shall be the duty of the commissioners of highways of the town within which such district is situated, to prosecute for such injury in an action of trespass on the case, and cause the damages to be recovered in such

prosecution to be expended in the repair of roads in the district within which such injury shall have been done."

Place of holding county courts.

Sec. 22. It shall be lawful for the county court to be held at any place at the county seat other than the court house or house usually occupied as a court house, that the board of supervisors may designate.

Approved April 3, 1848.

No. 207.

AN ACT to amend an act entitled "an act to incorporate the Adrian Insurance Company."

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the third section of an act entitled "an act to incorporate the Adrian Insurance Company," approved April seventeenth, eighteen hundred and and thirty-nine, be amended by striking out after the word "until," in the eighth line of said section, the words "whole amount of shares subscribed," and inserting the following in lieu thereof: "fifty thousand dollars," so that as amended, the section shall read as follows :

"Sec. 3. The payments of the subscriptions shall be made and completed by the subscribers respectively, at the time and in the manner following: At the time of subscribing, there shall be paid on each share one dollar, and after the election of trustees, and before the company shall go into operation, two dollars: the balance due on each share shall be subject to the call of the trustees, and the said company shall not be authorized to make any policy or contract of insurance with any person until fifty thousand dollars shall be actually paid or satisfactorily secured to be paid, by endorsed notes, by hypothecated stocks or by mortgage on unincumbered real estate."

Approved April 3, 1848.

No. 208.

AN ACT to legalize the proceedings of the Trustees of the First Society of the Methodist Episcopal Church, in the township of Hadley in the county of Lapeer.

Whereas, The appointment of the trustees of the first society of the Methodist Episcopal Church in the township of Hadley, in the county of Lapeer, was not made by Duncan McGregor, the preacher in charge, under seal, as required by law : *And Whereas*, The trustees of said first society have purchased real estate for said church, and built a house thereon for public worship ; therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the appointment in writing of the trustees of the first society of the Methodist Episcopal Church of the township of Hadley, in the county of Lapeer and state of Michigan by Duncan McGregor, the preacher in charge, December twentieth, eighteen hundred and forty-one, be and the same is hereby declared to be as legal and effective in law and equity as if the said appointment was made under seal, and shall be so deemed and declared in all courts of law and equity in this state. That all of the acts of the trustees, under and by virtue of said appointment, shall be as binding in law and equity, as they would have been if said appointment had been made under seal.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 209.

AN ACT to incorporate the Macomb County Mutual Insurance Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Stephens, Robert F. Eastman, Edward C. Gallup, Peter Kibbee, Horace H. Cady, Charles W. Chapel, John James, Dexter Murphy and Nathan Dickinson, and all other persons residing in or owning property within the county of Macomb, who may hereafter associate with them in the manner hereinafter prescribed, shall be a corporation by the name of the Macomb Incorporation

County Mutual Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture, merchandize and other property, situate and being within said county, against loss or damage by fire.

Insured,
members of
corporation.

Sec. 2. All persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and their assigns, continuing to be insured therein as is hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation and no longer.

Board of di-
rectors.

Sec. 3. The affairs of said company shall be managed by a board of directors consisting of nine members as hereinafter provided ; all vacancies happening in said board may be filled by the remaining directors for the remainder of the year for which they were elected ; and a majority of the whole shall constitute a quorum for the transaction of business.

1st directors,
their subse-
quent elect'n
annually.

Sec. 4. The persons named in the first section of this act shall be the first directors of said corporation, and shall continue in office for one year after the passage of this act, and until others shall be chosen in their place ; which board of directors shall hereafter be elected in each year, at such time and place in the village of Mt. Clemens as the corporation in their by-laws shall appoint ; of which election public notice shall be given in at least one of the public newspapers printed in said county at least thirty days immediately preceding such election. Such election shall be holden under the inspection of three members not being directors, to be appointed previous to every election by the board of directors ; and such election shall be made by ballot, and by a plurality of the votes of the members or their proxies then present, allowing to each member one vote for every one hundred dollars insured in said company.

Rates of in-
surance.

Sec. 5. The directors may determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Insured to
give note, &c

Sec. 6. Every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy, deposite his promissory note for such a sum of money as shall be determined by the board of directors ; a part, not exceeding five per cent of said note, shall be immediately paid ; and the remainder of said deposite note shall be payable in part or the whole at any time

when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said company ; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the maker thereof. And it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation, to be secured by mortgage on unincumbered real estate of double the value of the sum loaned.

Sec. 7. When any property insured with this corporation shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company to be cancelled ; and upon such surrender the assured shall be entitled to receive his deposit note upon the payment of his proportion of all losses and expenses that accrued prior to such surrender ; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors and with their consent within thirty days next after such alienation, on giving proper security to the satisfaction of said directors for such portion of the deposit or premium note as shall remain unpaid ; and by such ratification and confirmation, the party causing such security to be given shall be entitled to all the rights and privileges, and be subject to all the liabilities, to which the original party to whom the policy was issued was entitled and subjected under this act.

When policy to be surrendered, &c.

Sec. 8. Every member of said company shall be bound to pay for losses and such necessary expenses as aforesaid accruing in and to said company, in proportion to the amount of his deposit note ; and all buildings insured by said company together with the right, title and interest of the assured to the lands on which they stand, shall be and are hereby pledged to said company ; and said company shall have a lien thereon in nature of a mortgage, to the amount of his deposit note, which shall continue during his policy ; the lien to take effect whenever the said company shall file with and have entered in the book of mortgages kept by the register of the county of Macomb, a memorandum of the name of the individual insured, a description of the pro-

Payment of losses, by members, proportionably.

perty, the amount of the deposit note, and the term for which said policy shall continue.

Suits against
members.

Sec. 9. Suits at law may be maintained by said corporation against any of its members, for the collection of said deposit notes, or any assessments thereon, or for any other cause relating to the business of said corporation ; also suits at law may be prosecuted and maintained by any member against said corporation, for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such losses ; and no member of the corporation not being in his individual capacity a party to such suit, shall be incompetent as a witness in any such cause on account of his being a member of said company.

Directors
may assess
and apportion
loss.

Sec. 10. The directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid against said company, for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed ; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice. And if any member shall for the space of thirty days after the publication of said notice, neglect or refuse to pay the same assessed upon him, as his proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit ; and the amount thus collected shall remain in the treasury of said company subject to the payment of such losses and expenses as have accrued or may thereafter occur ; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand after thirty days from the expiration of the term for which insurance was made.

Assessments
how paid, &c

Assessment
of loss, be-
yond amount
of deposited
notes.

Sec. 11. If the whole amount of deposit notes should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company, shall receive towards making good their respective losses a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured ; in addition thereto a sum to be assessed on all the members of said company on

the same principle as regulated the amount of their respective deposite notes, but not exceeding one dollar on every hundred dollars by them respectively insured ; and no member shall ever be required to pay for any loss occasioned by fire at any one time, more than one dollar on every hundred dollars insured in said company, in addition to the amount of his deposite note, nor more than that amount for any such loss, after his said note shall have been paid in and expended ; but any member upon payment of the whole of his deposite note, and surrendering his policy before any subsequent loss or expense has occurred, may be discharged from said company.

Sec. 12. No policy shall be issued by said company until application shall be made for insurance for ten thousand dollars at least. Limitation of amount to be insured.

Sec. 13. The operations and business of the corporation shall be carried on and conducted at such place in the village of Mt. Clemens as shall be designated by a majority of the company present at any regular meeting. Business office.

Sec. 14. This act shall continue and be in force thirty years ; and the corporation hereby created shall be subject to the provisions of the fifty-fifth chapter of the revised statutes of this state so far as the same are applicable. Duration of charter.

Sec. 15. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 210.

AN ACT to authorize the supervisors of Berrien county to construct and maintain certain bridges in that county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the board of supervisors of the county of Berrien are hereby authorized and empowered, in their discretion, to erect and keep up and maintain four bridges across the river St. Joseph within the limits of said county, one of said bridges to be at the village of Bertrand, either where the present bridge now stands, or not more than twenty feet distant therefrom ; one other of said bridges to be at the village of Niles, at the foot of Main street, and a continuation thereof to the west bank of the river ; one other of said bridges to be at the village of Berrien, where the bridge now Supervisors to build certain bridges.

stands, or not more than ten feet distant therefrom ; and the other and fourth of said bridges to be at or near the village of St. Joseph.

May repair
or rebuild
bridges.

Sec. 2. The said board of supervisors may, in their discretion, repair or rebuild either of the present bridges at Bertrand, Berrien or St. Joseph aforesaid, and shall make provisions therefor, whenever said bridge, or either of them, shall need rebuilding or repairing.

Bridge at
Niles, &c.

Sec. 3. The said board of supervisors shall, at their next meeting, in their discretion, make appropriation and provision for erecting the said bridge at Niles, and for making all necessary repairs on the other of said bridges.

Powers of
supervisors.

Sec. 4. The said board of supervisors is authorized to build, erect and maintain in said river, all necessary and proper abutments, piers, ice breakers, ice holders, guards and braces, suitable and proper for the support, erection and protection of said bridges, doing and causing as little obstruction in said river as may be consistent with the object of said works, erections and fixtures.

To levy tax
for expense
of building,
&c.

Sec. 5. The said board of supervisors shall, in order to defray the expenses of erecting, repairing and maintaining said bridges, collect by general tax, on the taxable property of said county, sufficient money therefor ; the same to be levied and collected at the time, and in the manner, as the state, county and township taxes are collected : *Provided*, That neither of said bridges shall be built at an expense to the county of over three thousand dollars.

Sec. 6. The said board of supervisors may appropriate any surplus money from the treasury to aid in erecting and repairing said bridges.

Sec. 7. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 211.

AN ACT making appropriations to defray certain expenses authorized for the year eighteen hundred and forty-eight.

W B Sher-
wood.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be and the same are hereby appropriated out of the general fund : to W. B. Sherwood for publishing the senatorial canvass for the sixth district in the

year eighteen hundred and forty-seven, five dollars and twenty cents ; to Myron Collamer for furniture by him furnished for the use of the supreme court at Jackson, thirty dollars and fifty cents ; to Edward D. Ellis for publishing in the American Vineyard notice of State Treasurer and Secretary for proposals for printing and binding for eighteen hundred and forty-eight, one dollar and sixty cents ; to Anthony Kaminzky for printing the Governor's message in the Dutch, French and German languages, and folding and stitching the same, for two reams of paper and packing messages, in all one hundred and nineteen dollars and forty cents ; to Silas C. Herring for one Salamander safe, one lock and one padlock furnished to the State Treasurer, two hundred and forty-eight dollars ; to Lawson S. Warner for attendance as a witness before a committee of the House in the matter of the contested seat from Chippewa county, and traveling expenses, seven dollars ; to Timothy S. Smith for like attendance and traveling expenses, twenty dollars ; to E. G. Seymour for like attendance and for traveling expenses, ten dollars ; to John N. Ingersoll for like attendance, two dollars ; to John G. Dixon for serving process in chancery upon the relation of Henry N. Walker, late Attorney General, vs. the president, directors and company of the Bank of Macomb County and Aaron Weeks, one dollar and thirteen cents ; to W. W. Lawrence, clerk of the supreme court, for services rendered and money paid in removing the records of the supreme court from Ann Arbor to Jackson, twenty dollars ; to G. F. Rood & Co. for ledger furnished Auditor General, twenty-four dollars ; (also for stationery furnished the Secretary of State in May and November, eighteen hundred and forty-seven, eight dollars and thirteen cents ;) also for stationery furnished the second circuit court in chancery in February and December, eighteen hundred forty-seven, twenty dollars and thirty-five cents ; also for stationery furnished the supreme court at Pontiac, eighteen hundred and forty-seven, fifteen dollars and twenty-five cents ; also for stationery furnished the enrolling and engrossing clerk of the House of Representatives in eighteen hundred and forty-seven, one dollar.

To A. W. Hovey, Clerk of the House of Representatives, to pay for newspapers furnished to members of the House at the present session from other States, upon the order of said clerk, thirty-five dollars

Publishers
certain news
papers.

- and sixty cents ; to the publishers of the Detroit Free Press, one hundred and thirty-six dollars ; to the publishers of the Detroit Advertiser, thirty-five dollars and thirty-six cents ; to the publisher of the Hillsdale Gazette, one dollar ; to the publisher of the Hillsdale Standard, one dollar ; to the publisher of the True Democrat, Ann Arbor, seventy-five cents ; to the publisher of the Coldwater Sentinel, one dollar and fifty cents ; to the publisher of the Washtenaw Whig, three dollars ; to the publisher of the Paw Paw Free Press, fifty-cents ; to the publisher of the Adrian Watchtower, three dollars and twenty-five cents ; to the publisher of the Oakland Gazette, one dollar and fifty cents ; to the publisher of the Monroe Advocate, three dollars ; to the publisher of the Port Huron Observer, two dollars ; to the publisher of the Pontiac Jacksonian, two dollars ; to the publisher of the Cass County Advocate, seventy-five cents ; to the publisher of the Niles Express, one dollar ; to the publisher of the Ypsilanti Sentinel four dollars ; to the publisher of the Livingston Courier, one dollar.

A S Bagg.

To A. S. Bagg, for stationery furnished the Clerk of the House in the year eighteen hundred and forty seven, seven dollars and fifty cents ; also, stationery furnished in eighteen hundred and forty-seven to the Attorney General, four dollars and thirteen cents ; also, for stationery furnished the Engrossing and Enrolling Clerk of the House of Representatives in eighteen hundred and forty-seven, ten dollars and twelve cents ; also, for furnishing the court of chancery for the first circuit with stationery, in eighteen hundred and forty-seven and eighteen hundred and forty-eight to date, eighteen dollars and seven cents.

Bagg & Harmon.

To Messrs. Bagg & Harmon, for stationery furnished the State Treasurer in the years eighteen hundred and forty-seven and eighteen hundred and forty-eight to date, thirty-one dollars and fifty cents ; to

Bush & Thomas.

Messrs. Bush & Thomas, for stationery furnished the Senate and House of Representatives, and articles for repairs in the month of January, eighteen hundred and forty-eight, thirty-eight dollars and fifty-two cents ; also, for articles furnished members of the House in eighteen hundred and forty-eight, through the committee on supplies, five dollars.

H H Smith.

To H. H. Smith, for stationery and necessary articles for the Hall for the year eighteen hundred and forty-eight, sixteen dollars and

eighty-nine cents ; to James Turner, for stationery per committee on supplies of the House, in eighteen hundred and forty-eight, thirty-eight dollars and fifty-six cents.

To Augustine W. Hovey, Clerk of the House of Representatives, for compiling and preparing for publication, making indexes and superintending the publication of House journal and documents of the present session, two hundred dollars, to be paid on the certificate of the Secretary of State that the work has been correctly done. A W Hovey.

To Bagg & Harmon, for stationery furnished the Auditor General's office in eighteen hundred and forty-eight, to March twenty-eighth, eleven dollars and thirty-eight cents ; also, for stationery and printing for Secretary of State to March thirtieth, eighteen hundred and forty-eight, twenty-nine dollars ; also, for stationery furnished the Auditor General's office during the years eighteen hundred and forty-seven and eighteen hundred and forty-eight not included in the above amount, two hundred and eleven dollars and sixty-two cents : to A. S. Bagg, for one Injunction Master's Register furnished to Edmund Rice, six dollars ; also, to A. S. Bagg, for binding two hundred and sixty legislative manuals and lettering the same, ninety-seven dollars and fifty cents ; to Bagg & Harmon, for stationery furnished the House of Representatives, during the session of eighteen hundred and forty-eight, three hundred and thirty-seven dollars and thirty-seven cents. Bagg & Harmon

To C. C. Darling, for paste furnished for the use of the House during the session, three dollars ; to H. Gibbs, for making two tables for committee rooms, one dollar ; to C. C. Willis, for extra services as fireman for the House of Representatives the present session, ten dollars. C C Darling
H Gibbs
C C Willis

To Joseph Keusch and William Riggs firemen, the sum of fifty cents per day extra, for services as firemen during the time they each acted as such. J Keusch and W Riggs

To the members of the House of Representatives from the counties of Mackinac and Chippewa, the sum of ninety dollars each, for necessary expenses incurred before and after the session. Rep from Mackinac & Chippewa

To Henry Bloss, assistant sergeant-at-arms, three dollars per day during his term of service. H Bloss

To John Rives, assistant fireman, two dollars a day for twenty-two days ; and to the assistant clerks of the House, three dollars a day J Rives

for the time actually employed, payable on the certificate of the Speaker of the House.

Messengers To the messengers of the House of Representatives, fifty cents per day each, in addition to the amount already appropriated by law for that purpose.

Bagg & Harmon To Bagg & Harmon, for printing divisions, circulars to newspapers and certificates of pay, thirty dollars and fifty cents.

R Robinson That the following sums be and the same are hereby appropriated out of the general fund : to Russel Robinson for fitting state armory at Detroit, twenty-five dollars and thirty-one cents ; to Cole & Gardner for printing rules for court of chancery and publishing Adjutant General's notice to township and county clerks, ten dollars and eighty cents ; to Henry N. Walker, late Attorney General, for balance of salary and postage paid, thirty-six dollars and four cents ; to G. F. Rood & Co. for stationery furnished the Secretary and Enrolling Clerk of the Senate of eighteen hundred and forty-seven, twenty-one dollars ; to R. W. Jenny for publishing Adjutant General's notice to county and township clerks, two dollars ; to Perry Joslin for publishing Adjutant General's notice to county and township clerks, two dollars ; to Daniel S. Merritt for publishing Adjutant General's notice to county and township clerks, two dollars ; to Jewett & Graves for publishing Adjutant General's notice to township and county clerks, two dollars ; to Joel B. Bennett for publishing Adjutant General's notice to township and county clerks, two dollars ; to Thomas Gallagher for candles furnished the Secretary of State for the use of the Capitol, seventy-seven dollars and ninety-four cents.

To certain publishers for printing, &c. To A. S. Williams for advertising for the Adjutant General's office for the year eighteen hundred and forty-seven, forty dollars and ten cents ; to John Ingersoll, for publishing Adjutant General's notice to township and county clerks, two dollars ; to V. Hascall for publishing Adjutant General's notice to township and county clerks, two dollars ; to Alexander Sheldon, for publishing Adjutant General's notice to township and county clerks, two dollars ; to A. C. Van Raalte, for translating the Governor's message into the Dutch language, for the year eighteen hundred and forty-eight, twenty-five dollars ; to E. N. Lacroix, for translating the Governor's message into the French language, for the year eighteen hundred and forty-eight, twenty-five dol-

lars ; to Julius Gruber, for translating the Governor's message into the German language, for the year eighteen hundred and forty-eight, twenty-five dollars ; to W. L. Bancroft for printing the Adjutant General's notice for the year eighteen hundred and forty-seven, sixteen dollars ; to E. O. Briggs for publishing Adjutant General's notice to township and county clerks, two dollars ; to H. B. Stillman, for publishing Adjutant General's notice to township and county clerk's two dollars ; to Clark & Raulson for publishing Adjutant General's notice to township and county clerks, two dollars ; to E. R. Powell for publishing Adjutant General's notice to township and county clerks, two dollars ; to M. A. Childs, for publishing Adjutant General's notice to township and county clerks, two dollars ; to George Coombs for materials furnished and for his services in and about the capitol for the year eighteen hundred and forty-seven, two hundred and eighty-four dollars and ninety-three cents ; but no further allowance shall hereafter be made by the State for any services for taking care of the old capitol building ; to David Sanford for publishing Adjutant General's notice to township and county clerks, and printing for Michigan volunteers, four dollars.

To Edward D. Ellis for printing general orders from Adjutant General's office for the year eighteen hundred and forty-seven, thirty-eight dollars and sixty cents ; to Bagg & Harmon for stationery furnished to the Senate for the year eighteen hundred and forty-eight, sixty-five dollars and ninety-five cents ; to M. Shoemaker for cash paid for sundry articles for Senate, four dollars and eighty-two cents ; to A. S. Bagg for stationery furnished to Superintendent of Public Instruction from June 3, 1847, to January 28, 1848, one hundred and sixteen dollars and forty-two cents ; to A. S. Bagg for stationery furnished Secretary of the Senate, March 17, 1847, four dollars ; to A. S. Bagg for binding and covering school laws and reports of Superintendent of Public Instruction, and for ruling school blanks, eighty dollars and seventy-five cents ; to Bagg & Harmon for printing for Superintendent of Public Instruction, one hundred and thirty-six dollars ; to Bagg & Harmon for printing for the several circuits, by order of the judge of the supreme court, fifty-three dollars and twenty cents.

To Bagg & Harmon, for printing for Secretary of State, and publishing laws of 1847 in state paper, three hundred and seventy-six dollars and fifty cents ; to S. G. Southerland, for extra services in removing and arranging furniture and book case, and arranging book.

C C Darling in the library, twenty-five dollars ; to C. C. Darling, for paste furnished the Senate, two dollars ; to A. S. Bagg, for stationery, binding, &c. for Secretary of State, from February 27, 1847, to February 2, 1848, one hundred and forty-one dollars and nineteen cents ; to A. S. Bagg, for stationery furnished to the State Treasurer, forty-six dollars and forty-four cents ; to A. S. Bagg, for stationery furnished Governor Greenly, eighteen dollars and fifty cents ; to S. G. Southerland, for articles furnished Secretary of State's office, five dollars ; to each Senator for stationery for self, five dollars ; the appropriations to each Senator to be paid by the State Treasurer out of the treasury, upon the certificate of the Secretary of the Senate for 1848 ; to T. R. Cumings, for extra services in arranging furniture in House and Senate, twenty-five dollars ; to Charles Smith, Secretary of the Senate, for papers furnished the members and officers of the Senate, forty-three dollars and twenty-five cents ; to Charles Smith, for compiling and preparing for publication, making index and superintending the publication of the Senate journal and documents of the present session, including the Executive journal, two hundred dollars ; to Peter Cary, for services about the capitol, one hundred and twelve dollars ; to T. R. Cumings, for services in bringing up records in Secretary of State's office in 1846 and 1847, one hundred dollars ; to Bush and Thomas, for stationery furnished the President of the Senate for 1848, six dollars ; to the Chaplain of the Senate, two dollars per day for each day's service, to be paid on the certificate of the Secretary of the Senate ; to G. O. Whittemore, for extra services in bringing up the records in the office, and in fitting up the two houses of the legislature, two hundred dollars ; to John Allen, A. N. Hart and Z. M. Mowry, for expenses as committee in visiting the state prison, ten dollars each.

A S Bagg To A. S. Bagg, for stationery furnished Adjutant General, from April 20th to December 30th, 1847, nineteen dollars and thirteen cents ;

J Barns & co to Jacob Barns & Co., for publishing the time of holding circuit courts by order of the judge of said court, (3d circuit,) four dollars and eighty-eight cents ; to Bela Pratt, fireman of the Senate, Henry W. Smith, Ezra H. Bailey and Smith Clapsaddle, messengers of the Senate, fifty cents extra each for every day's attendance during the sitting of the legislature, to be paid on the certificate of the Secretary of the Senate ;

R S Cheney to R. S. Cheney, for publishing "Daily Patriot" (during session) two

months, to members of the legislature, twenty-eight dollars and thirteen cents ; to Bagg & Harmon, for stationery furnished Secretary of Senate, sixteen dollars and fifteen cents ; for twenty-six copies of Daily Free Press, fifty-two dollars ; for printing divisions and certificates of pay, twenty-four dollars and fifty cents ; for advertising reports of judiciary committee relative to constitutional power of districting the state, seven dollars ; for printing, by order of Adjutant General, one hundred and forty-three dollars and thirty cents ; for stationery delivered President of the Senate, fourteen dollars and twenty-nine cents ; and for stationery delivered Enrolling and Engrossing Clerk of the Senate, twenty-one dollars and fourteen cents ; for stationery furnished Senate, two dollars ; to the several persons employed as assistants in enrolling for the Senate, three dollars per day for time necessarily employed, to be paid on certificate of the chairman of the Senate committee on enrollment ; to the Post Master at Michigan, such sum as may be due him for postage of members and officers of the Senate and House of Representatives under joint resolution approved January 14th, 1848, to be paid by the State Treasurer, on presentation of his account verified by affidavit ; to Bagg & Harmon, for stationery furnished Geo. W. Jewett, sixty-three cents ; to Hibbard and Knapp, eight dollars, for charges paid by them upon the transportation of state paper upon the rail road, and from Jackson to Michigan ; to Robert Perry, for repairing table, one dollar ; J. P. Weller and Son, for eight bunches quills, one dollar.

Bagg & Harmon

P M Michig'n

Bagg & Harmon

Hibbard and Knapp

R Perry

J P Weller and son.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 212.

AN ACT to lay out a certain state road from Marshall to Eaton Rapids.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* Isaac E. Crary, John R. Palmer and Samuel Weeks, be and they are hereby appointed commissioners to lay out and open a state road from Marshall in the county of Calhoun, to Eaton Rapids, in the county of Eaton.

Sec. 2. That it shall be the duty of the said commissioners appointed by this act, to cause so much of said road to be recorded in the office of each township clerk, as may be laid through his respective township : *Provided*, The state shall not be liable for damages or expenses in laying out said road.

Sec. 3. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 213.

AN ACT to authorize Sarah Mariah Parsons, Louisa W. Shafer, Sarah Wait and Charles D. Wait to convey certain lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, Sarah Mariah Parsons, Louisa W. Shafer, Sarah Wait and Charles D. Wait, be and they are hereby authorized to sell and convey by deed or deeds, village lots number three, four, five, six, seven, eight, in block number fifty, on the north-west division of Lapeer county site, together with the dwelling house thereon ; and such deed shall vest in the purchaser or purchasers of the same or any part thereof, a valid, full and perfect title in the law to the lot or lots mentioned in said deed or deeds : *Provided*, The judge of probate for the county of Lapeer shall endorse his approval upon any deed or deeds which may be given under the provisions of this act : *And provided further*, That the proceeds of any such sale or sales shall be faithfully invested by the person hereby authorized to make such sale or sales in a manner to accumulate for the benefit of the children to whom such real estate was bequeathed during their minority ; the manner and mode of such investment shall also be submitted to and receive the approval of said judge of probate.

Sec. 2. This act shall be in force from and after its passage.

Approved April 3, 1848.

No. 214.

AN ACT to incorporate the Lake Superior Mining Company of Eagle River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* Chauncey Bush, James A. Armstrong, John H. Kenzie and Russell Bishop, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Lake Superior Mining Company of Eagle River, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan : *Provided, That* nothing in this act contained shall be construed to confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or any stock whatever, or for any other purposes than those herein particularly specified.

Lake Super
mining co.
incorporated

Sec. 2. The said company shall have corporate succession, and its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as the business of said company may require, to an amount not exceeding the capital stock of said company.

Capital and
real estate.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof ; a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person : and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe.

Officers.

Assessments
on shares

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company ; and for that purpose, the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has actually been paid

State tax—
annual re-
port requir'd

in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said state tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all state taxes on the real estate of said company; and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in and returned to the State Treasurer accordingly. Said tax shall be secured and paid agreeably to the laws of this state.

Repeal, &c.

Sec. 5. The legislature may at any time alter, amend or repeal this act for any violation of the provisions of this charter.

1st meeting.

Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section or a majority of them shall appoint, by a notice to be published in one or more newspapers in each of the cities of Detroit and Boston, at least thirty days before the time of such meeting.

Subject to
general pro-
visions of re-
vis'd statutes.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five, title ten of the revised statutes of A. D. eighteen hundred and forty-six, so far as the same are applicable.

Lien of indi-
viduals.

Sec. 8. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Duration of
charter.

Sec. 9. This act shall be in force for thirty years from and after its passage, subject to repeal as aforesaid.

Approved April 3, 1848.

No. 215.

AN ACT to incorporate the Marshall Manufacturing Company in the county of Calhoun.

Incorporat'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles M. Lee, D. E. Lewis, H. I. Perrin, Darius Perrin, J. J. Perrin, Jarvis Hurd, C. Y. Gilbert, C. T. Gorham, Oliver C. Comstock, and their successors and associ-

ates, are hereby created for the term of fifty years a body corporate, by the name of the Marshall Manufacturing Company, for the purpose of manufacturing woolens and woolen and cotton cloths, in the township of Marshall and county of Calhoun, capable of executing all the powers, entitled to all the privileges, subject to all the duties and liabilities specified in chapter fifty-five of the revised statutes.

Sec. 2. Said corporation shall have a treasurer, who shall be a resident of this state, and upon whom service of any process against said company may be made, and the same shall be deemed a valid service thereof upon the said Marshall manufacturing company in the county of Calhoun, and such other officers and agents as the members of the corporation may determine, to be appointed in such manner and for such term as the by-laws of said corporation may prescribe. The treasurer shall be sworn to the faithful discharge of his duties, as the same may be prescribed in said by-laws, in said chapter fifty-five and by this act, and shall give bond in such a sum and with such sureties as the said by-laws may prescribe for the faithful discharge of his duty.

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, which shall be numbered and registered, and certificates issued by the treasurer therefor to the person entitled thereto. Twenty-five thousand dollars of said capital stock may consist of real estate, which said corporation is hereby authorized to acquire, hold and convey.

Sec. 4. Said corporation may from time to time, at any regular meeting called for that purpose, assess upon each share such sums of money as the corporation shall think proper, not exceeding in the whole the nominal amount of said share, and such sums so assessed shall be paid to the treasurer at such times and by such instalments as the corporation shall direct.

Sec. 5. The whole amount of debts which said corporation shall at any time owe, shall not exceed the amount of its capital stock actually paid in.

Sec. 6. On or before the first Tuesday in January in each year, it shall be the duty of the treasurer of said company to make a report to the Secretary of State, verified by his oath, showing the amount of their capital stock paid in, and the amount of their entire debts and liabilities.

Lien of inhabitants

Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands, not exceeding one hundred dollars each, against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such company.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 216.

AN ACT to authorize Jemima Cole of the county of Clinton to convey certain real estate.

May sell lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* Jemima Cole, of the township of Bath, county of Clinton, widow of Ira Cole deceased, be and she is hereby authorized and empowered to convey by deed to Isaac Fletcher, of said township, the following described piece or parcel of land, viz: commencing at the south-west corner of lands owned by the said Isaac Fletcher, running thence south forty rods, thence east forty rods, thence north forty rods, thence west forty rods to the place of beginning. Said parcel being a part of the east half of the south-west quarter of section thirty-four, in said township of Bath, and containing ten acres: *Provided, That* no such conveyance shall be of any effect unless the judge of probate of the said county of Clinton, shall, under the seal of his office, certify upon the back of the said conveyance his approval of the same.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 217.

AN ACT to vacate a certain alley in the village of Byron.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* so much of an alley as runs be-

between blocks numbers sixty-nine and seventy in the village of Byron, ^{Alley vacated.} in Shiawassee county, be and the same is hereby vacated and annexed to the adjoining lots.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 218.

AN ACT to authorize Harriet Woolcot and Isaac B. Hathaway to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Harriet Woolcot, administratrix, and Isaac B. Hathaway, administrator on the estate of Noah Woolcot, of the county of Washtenaw, deceased, be and they are hereby authorized and empowered to convey certain village lots, lying and being in the village of Mooreville in said county, viz: lots number eight and nine in block number one north range one east, and lots number eight and nine, block two north, range one east, and lot number nine in block three north, range one east, also lots numbered four, five and six, in block one north, of range one west, according to the plat of said village of Mooreville, as recorded in the registers' office in the county of Washtenaw: *Provided*, That no such conveyance shall be of any effect unless the judge of probate of the said county of Washtenaw shall, under his hand and seal of his office, certify upon the back of said conveyance his approval of the same.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 219.

AN ACT to establish a state road from the village of Flushing, in the county of Genesee, to the village of Saginaw, in the county of Saginaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James Seymour, Ogden Clark

business of the company may require, to an amount not exceeding the capital stock of said company.

Officers.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person ; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Jackson Mining Company of Jackson.

State tax, annual report.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company, and for that purpose the president and secretary thereof shall, on the first day of January in each year or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company ; and any investment of any portion of the nett profits of said company in the business of said company shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required.

1st meeting.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section or any two of them shall appoint, by a notice to be published in one or more newspapers in the village of Jackson, at least thirty days before the time of such meeting.

Sec. 6. Any inhabitant of this state shall have a lien upon the

stock, appurtenances and entire property of said company for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company. Lien of inhabitants of this state.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable. General provisions.

Sec. 8. The said company shall within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct. Business office.

Sec. 9. This act shall not be construed to confer on said company any banking powers or banking privileges, or for any transaction in brokerage or exchange, or dealing in money or bank notes, or in the purchase of any bank stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act. Banking prohibited.

Sec. 10. This act shall take effect and be in force from and after its passage, and shall continue in force for the term of thirty years. Duration of charter.

Approved April 3, 1848.

No. 223.

AN ACT to incorporate the Union Church of Flushing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alfred Pond, James Hassie, Benjamin F. Warner, Simon M. Smith and John Hallock, together with such other persons as may be associated with them, and their successors for that purpose, shall be and they are constituted a body politic and corporate by the name and style of the "Union Church of Flushing," subject to the provisions relating to corporations contained in chapter fifty-five of the revised statutes of eighteen hundred and Incorporation.

forty-six, and such amendments thereof as may from time to time be made by the legislature.

Powers of trustees, &c. Sec. 2. The trustees shall have power, and they are hereby authorized to build a church or house for religious worship in the village of Flushing in the county of Genesee, and shall faithfully apply all funds received by them for that purpose by subscription, bequest or otherwise, in providing suitable buildings, employing preachers and teachers necessary or proper for the successful instruction of the citizens in the fundamental doctrines and truths of religion.

Ibid. Sec. 3. Said board of trustees shall be in law capable of acquiring and holding by purchase, gift, grant, devise or bequest, or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, in value not exceeding the sum of ten thousand dollars, for the use of said corporation and no other, and shall continue for ten years from the passage of this act, and shall be held liable for all debts as partners in trade, after the corporate property shall have been exhausted.

Sec. 4. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 224.

AN ACT to provide for laying out a state road from Michigan to Mason.

Com'r to lay out road. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Hiram Bristol, John S. Griffin and George D. Pease be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the Cedar bridge, on the south line of the town of Michigan in the county of Ingham, on the most eligible route to the village of Mason.

Com'r to file survey, &c. Sec. 2. The above named commissioners shall file so much of the survey of the above mentioned road in the office of the township clerk of each township through which the said road shall pass as shall be laid out in such township, and it shall be the duty of the several township clerks to record the same in their respective township books, and post the notice required by law.

Sec. 3. That it shall be the duty of the commissioners of highways

in the several townships through which said road may pass, to open and work said road in the same manner and by virtue of the same law as township roads are required to be opened and worked. Duty of highway com'rs.

Sec. 4. The state shall not be liable for any expense incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void. State not liable for damages.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 3, 1948.

No. 225.

AN ACT to incorporate the Mackinaw and Lake Superior Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Ramsay Crooks, Samuel Abbott, Michael Dousman, Samuel K. Haring, and others who shall become associated with them, are hereby constituted a body corporate by the name of the Mackinaw and Lake Superior Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the State of Michigan.* Incorporat'n

Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of the State of Michigan, as the business of said company may require, to an amount not exceeding the capital stock of said company. Capital, &c.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof; a secretary, and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe. Officers.

Sec. 4. The said company shall pay to the Treasurer of the State

State tax. of Michigan an annual tax at the rate of one per cent on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said state tax shall be in lieu of all other taxes upon all the personal property of said company, and in lieu of all other state taxes upon the real estate of such company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the State Treasurer accordingly.

**Annual re-
port.**

**1st meeting
of company.** Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section or a majority of them shall appoint by a notice to be published in one or more newspapers in each of the cities of Detroit and Boston at least thirty days before the time of such meeting.

**Gen'l provis-
ions.** Sec. 6. Said company shall be subject to the provisions of chapter fifty-five, title ten of the revised statutes of A. D. eighteen hundred and forty-six, so far as the same are applicable.

**Lien of inha-
bitants.** Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this State, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

**Duration of
charter.** Sec. 8. This act shall be in force for thirty years from and after its passage: *Provided*, That nothing herein contained shall be so construed as to enable such company to exercise any banking powers or banking privileges, or to engage in any brokerage business.

Approved April 3, 1848.

No. 226.

AN ACT to repeal a part of an act entitled an act to provide for establishing and improving the Pontiac and Grand River Road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of an act entitled an act to provide for establishing and improving the Pontiac and Grand River Road, approved March ninth, eighteen hundred and forty-four, and the several acts amendatory thereto, as authorizes and directs the non-resident highway taxes assessed upon lands lying on the line of said road for the distance of two miles each way from the centre thereof, in the township of Eagle, and the west half of the township of Watertown in the county of Clinton, and the east half of the township of Danby, in the county of Ionia, be and the same are hereby repealed. Act amended

Sec. 2. Any non-resident highway tax or moneys which have been or may hereafter be received by the county treasurers of the counties mentioned in the first section of this act, by virtue of an act entitled an act to provide for establishing and improving the Pontiac and Grand River road, and the several acts amendatory thereto, shall be paid over to the highway commissioners of the several townships of Watertown, Eagle and Danby, to be expended by them according to law : *Provided,* Nothing herein contained shall be construed to interfere with the performance or payment of any contract heretofore made in pursuance of the provisions of said act, or with the collection of a sufficient amount of taxes, and their proper application to the payment of any and all contracts already entered into by authority of law.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 227.

AN ACT to vacate certain streets in the village of Union City.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Front street, and so much of Summit street as lies north of Charlotte street, in Hammond's addition to the village of Union City in the county of Branch, be and the same are hereby vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 228.

AN ACT to organize the county of Sanilac.

Counties at-
tached.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the county of St. Clair, comprised in townships number nine and ten north, of ranges numbers thirteen, fourteen, fifteen, sixteen, and seventeen east, be and the same is hereby annexed to and made a part of the county of Sanilac.

Sanilac or-
ganized.

Sec. 2. That the county of Sanilac, including the territory annexed thereto in the preceding section of this act, shall become duly organized, and the inhabitants thereof entitled to all the rights, privileges, and immunities, to which by law the inhabitants of other counties of this state are entitled, from and after the thirty-first day of December, one thousand eight hundred and forty-nine.

Election.

Sec. 3. There shall be elected in the said county of Sanilac, on the first Tuesday of November in the year eighteen hundred and forty-nine, all the several county officers to which by law the said county is entitled, and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and state officers.

Suits pend-
ing.

Sec. 4. All suits, prosecutions, and other matters now pending, or which shall be pending on the thirty-first day of December eighteen hundred and forty-nine, before any court or before and justice of the peace of the county to which the said county of Sanilac is attached for judicial purposes, shall be prosecuted to final judgment and execution, and all taxes heretofore levied, or which shall be levied in accordance with law, previous to the thirty-first day of December eighteen hundred and forty-nine, shall be collected in the same manner as though this act had not passed.

Bo'rd of can-
vassers.

Sec. 5. The board of canvassers in said county, under this act, shall consist of two of the presiding inspectors of elections from each township therein, and said inspectors shall meet at the county seat at

the time appointed by law for the county canvass, and immediately after the election authorized in the third section of this act, and organize by appointing one of their number chairman and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of elections for county and state officers.

Sec. 6. That the county seat of the said county of Sanilac shall be and is hereby fixed at the village of Lexington in said county, until County seat. the year eighteen hundred and fifty-three, and it shall be the duty of the sheriff of the said county of Sanilac, at the expense of said county, under the direction of the supervisors thereof, to provide a suitable place for holding courts in said county at or near the county seat, until public buildings shall be erected for that purpose.

Approved April 3, 1848.

No. 229.

AN ACT to organize four counties in the upper peninsula and define the boundaries of the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all that portion of the state embraced between ranges twenty-three and twenty-four west, the north boundary of township forty-one, the line between ranges thirty-seven and thirty-eight west, and the north boundary of township forty-nine, shall be laid off as a separate county, and known and designated as the county of Marquette, County of Marquette organized.

Sec. 2. All that portion of the state embraced between the north boundary of township forty-nine, the line between ranges thirty-seven and thirty-eight west, and lake Superior, together with the islands in said lake west of the county of Schoolcraft, shall be laid off as a separate county, and be known and designated as the county of Houghton. Houghton.

Sec. 3. All that portion of the state embraced within the line between ranges thirty-seven and thirty-eight west, the north boundary of township forty-one, the Montreal river and Lake Superior, shall be laid off as a separate county and known and designated as the county of Ontonagon. Ontonagon.

Schoolcraft.

Sec. 4. All that portion of the state embraced within the limits hereinafter specified shall be laid off as a separate county, to be known and designated as the county of Schoolcraft, to wit: Beginning at a point in Lake Superior north of the line between ranges twelve and thirteen west, thence west along the margin of said lake to the line between ranges twenty-three and twenty-four west, thence south along said line to the north boundary of township forty-one, thence east to the line between ranges twelve and thirteen west, together with Grand Island on Lake Superior.

Counties to
be a judicial
district.

Sec. 5. The counties of Marquette, Houghton, Schoolcraft and Ontonagon, be and they are hereby united and set off into a judicial district, and that the inhabitants thereof shall have all the rights and privileges to which the inhabitants of other organized counties of this state are entitled.

Distr't judge,
his jurisdic-
tion.

Sec. 6. The judicial powers in said district shall be held and exercised until otherwise provided, by a district judge, to be elected at the time of holding the first special election as aforesaid, for the term of time specified in the revised laws of eighteen hundred and forty-six, for county judges, and who in addition to the powers conferred by said laws upon county courts, shall have and exercise the full powers and jurisdiction of a circuit court in the several organized counties in this state, as well in criminal proceedings as in civil cases and in equity; the rules and practice of said district court in criminal proceedings and in civil cases, when the amount in controversy exceeds five hundred dollars, being made to conform as near as may be to the rules and practice of a circuit court: *Provided*, That in all cases, any party conceiving himself aggrieved by any final judgment of said court, shall have the right to appeal therefrom to the circuit court for the county of Chippewa, in the manner now provided for taking an appeal in other courts of record in the state.

Appeals.

Terms of
court.

Sec. 7. Said district judge shall appoint and hold at least two terms of said court in each year, and such additional terms as he shall think necessary; examination and commitment for trial of persons charged with any offence against the laws of this state. The said judge shall have power to issue process by warrant upon complaint on oath, and investigate any alledged offence either in term or vacation, by summary proceedings, in the manner now provided by law, for the arrest and examination of offenders by a justice of the peace.

Sec. 8. On the first Tuesday of July next, an election for county ^{1st election of co officers} officers within said judicial district shall be held at Copper Harbor, Eagle River and L'Ance, and at such election, the qualified electors then present shall proceed to choose, viva voce, at each place, three inspectors of election, who shall be qualified and perform the duties enjoined upon such inspectors by the laws of this state, in all respects and in the same manner as at the general election. The ordinary county officers, including district judge, shall be chosen at that time, and upon taking the official oath and filing the requisite bond, when such bond is required by law, the officers thus elected may enter upon the full discharge of their duties, any law to the contrary notwithstanding, and shall hold their offices respectively until the first day of January, one thousand eight hundred and fifty, and until their successors shall be duly elected and qualified.

Sec. 9. The Governor may appoint so many notaries public for said district as he may deem necessary for the current year.

Sec. 10. The counties of Marquette, Schoolcraft and Ontonagon are ^{Co's attach'd to Houghton} hereby attached to the county of Houghton for judicial purposes pursuant to this act.

Sec. 11. For the purpose of representation in the state legislature, ^{To Chippewa} the counties embraced in the provisions of this act are to be regarded ^{wa.} as attached to the county of Chippewa until otherwise provided by law.

Sec. 12. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 230.

AN ACT to provide for the payment of the bonds of this state.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all existing provisions of law in regard to the payment of interest on the full paid five million loan bonds, or bonds issued for the payment of interest on the same shall

be and are hereby made applicable to all such bonds as shall be issued on the surrender of any of the part paid five million loan bonds of the state, under an act entitled "an act to provide for funding the outstanding internal improvement warrants of this state, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds," approved April 1, 1848.

Approved April 3, 1848.

No. 231.

AN ACT granting to school districts and religious denominations of professing christians suitable grounds in the town of Michigan, owned by the state, whereon to erect houses for public worship and school houses.

Grant of lots
for erection
of churches
and schools.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be and is hereby granted unto all the religious denominations of professing christians in the town of Michigan, and each school district regularly organized in said town, suitable grounds in ^{the} town of Michigan, owned by the state, whereon the said denominations may severally erect proper and commodious houses for public worship, or whereon school houses may be erected as provided herein: *Provided*, Application for said grounds shall be made as hereinafter directed, ^{within one year from the passage of} this act. / *1850 p 424*

Sec. 2. That whenever any application for such grounds for the purposes aforesaid, shall be made in writing to the Auditor General, Secretary of State and State Treasurer, by the proper officers of any such religious denominations of professing christians, or of said school district, it shall be the duty of the said Auditor General, Secretary of State and State Treasurer, a majority of whom shall be authorized to act in the premises, to receive said application, and as soon thereafter as may be, to select one lot in the town of Michigan, owned by the state, and notify said officers of such selection, and if the same be accepted, to make and execute a deed thereof, in behalf of the state of Michigan, to the officers of any such denomination or school district, capable of receiving deeds and conveyances of land for the purposes contemplated in this act. *See 1850 p 424*

Application
for same, &c

*13511
424*

Sec. 3. The Secretary of the State is hereby directed, whenever ^{Com'r off'nd to be notifi'd} any lot or lots shall be selected as above prescribed, to notify in writing, the Commissioner of the Land Office of such selection, particularly describing the lot or lots selected, and upon receiving said notice the Commissioner of the Land Office shall withhold said lot or lots from sale until he shall receive notice from the Secretary of State, whose duty it shall be to give the same, that such lot or lots have not been accepted.

Sec. 4. The Governor, Secretary of State and Auditor General ^{Burial ground.} may, in their discretion select one or more blocks of the said town plat any where on the school section, for a burial ground, and upon filing a proper description of the block or blocks selected in the office of the Secretary of State, said block or blocks so selected shall be appropriated for that purpose.

Sec. 5. This act shall be in force from and after its passage.

Approved April 3, 1848.

No. 232.

AN ACT relative to circuit courts and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That if in any civil suit or criminal ^{Case may be reserved for sup. court.} prosecution in any circuit court of this state, any question of law shall arise which, in the opinion of the presiding judge, shall be so important or doubtful as to make it advisable to require the opinion of the supreme court thereon, he shall report the case, so far as may be necessary to present such question of law, and transmit the same with all convenient speed to the clerk of the supreme court in the judicial circuit where the same originated; and when received by said clerk he shall file the same in his office and keep the same until the next session thereof, when he shall present the same to the chief justice or one of the associate justices of the supreme court; and the same shall be heard and determined by said supreme court to be held in the circuit within which said suit is pending, and the opinion of the supreme court thereon shall be certified, with such instructions as to said supreme court may be necessary, to the said court; and all proceedings on the judgment below shall be stayed until the decision of the su-

preme court shall be made and certified back to said circuit court, in which the cause originated.

Supersedeas
may be gran-
ted in vaca-
tion.

Sec. 2. Either of the judges of the supreme court may grant writs of supersedeas and prohibition in vacation, on good cause shown ; the party obtaining such writ giving such security by bonds or recognizance to the opposite party as the judge, according to the usage of law shall require.

When bills
of exception
may be ten-
dered, &c.

Sec. 3. That in all cases where a motion for a new trial or in arrest of judgment has heretofore been duly made in any of the circuit courts in this state, and the term at which such motion was made has passed, without giving the parties an opportunity to be heard thereon, or where the court have not given their opinion on such motion, before the next succeeding term the said parties may in all such cases perfect and tender their bills of exceptions, and have the same signed by the court at any time within thirty days after the decision of the court upon such motion ; and the said bill of exceptions shall constitute a part of the record in such case in the same manner as if it had been tendered and allowed before the ending of the term at which such motion was made, or such case may be reserved by the presiding judge in manner provided for in this act, and be heard before the supreme court in conformity to this statute, and it shall be the duty of the presiding judge, or in case he cannot for any cause act, of any other judge of the supreme court, in all such cases to allow, sign and seal such bills of exception in like manner as if they had been presented and agreed on before the end of the term at which such motion was made, any law to the contrary notwithstanding.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 233.

AN ACT relative to the Insurance on Lives for the benefit of Married Women.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That it shall be lawful for any mar-*

ried woman, by herself, and in her name, or in the name of any third person, with his assent, as her trustee, to cause to be insured for her sole use, the life of her husband or the life of any other person, in any life insurance company of any nature whatever, located in either of the states of the United States of America or in Great Britain, for any definite period, or for the term of his natural life; and in case of her surviving her husband or such other person insured in her behalf, the sum or nett amount of the policy of insurance due and payable by the terms of the insurance, shall be payable to her, to and for her own use, free from the claims of the representatives of her husband, or of such other person insured, or of any of his creditors, but such exemption shall not apply where the amount of premium annually paid shall exceed the sum of three hundred dollars.

Married woman may insure life of husband, &c.

Sec. 2. In case of the death of the wife before the decease of her husband, or of such other person insured, the amount of the insurance may be made payable after her death to her children, for their use and to their guardian if under age, or the amount of the policy may be disposed of by such married woman by a last will and testament.

When insurance may be payable to her children.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 234.

AN ACT to incorporate the Oakland and Ottawa Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Gurdon Williams, Edward A. Brush, H. C. Thurber, Alfred Williams, Bowman W. Dennis, John Hamilton, C. P. Bush, W. A. Richmond and Charles Shepherd, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Oakland and Ottawa Railroad Company hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of securing subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscription, in some newspaper printed in the city of Detroit and in the villages of Flint, Pontiac and Grand Rapids: *Pro-*

Com'rs appointed.

vided, One dollar shall be paid on each share of said stock at the time of subscribing the same.

Capital.

Incorporat'd

Sec. 2. The capital stock of said company shall be two millions five hundred thousand dollars, in twenty-five thousand shares of one hundred dollars each ; and so soon as two thousand five hundred shares of said stock shall be subscribed, the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic by the name and style of the Oakland and Ottawa Rail Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned and no further, and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and shall have, enjoy, and may exercise all the powers, rights and privileges which appertain to corporate bodies for the purposes mentioned in this act.

Route and description of road.

Sec. 3. Said company hereby created shall have power to construct a rail road with a double or single track from the village of Pontiac, in the county of Oakland, to Lake Michigan, in the county of Ottawa, in the state of Michigan, passing it through the most desirable and eligible route, by the way of Fentonville, with power to take, transport and carry property and persons upon the said rail road, or any part thereof herein authorized to be constructed, by the power and force of steam or of animals, or of any mechanical or other power, or of any combination of them which the said company may choose to apply.

When road to be commenced.

Sec. 4. If said corporation shall not within five years after the passage of this act, commence the construction of the said rail road, and shall not within fifteen years from the passage of this act, construct, finish and put in operation the whole of said rail road, then the rights, privileges and powers of the said corporation shall be null and void, so far as it regards such part of said rail road as shall not be finished within the periods limited by this act.

1st meeting of subscribers.

Sec. 5. Whenever twenty five hundred shares of the capital stock shall have been subscribed, if within two years from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time

and place as they may appoint, by giving thirty days' public notice of such meeting, and shall lay the books of subscription before the subscribers then present, and thereupon the said stockholders or a majority of them shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company, and all of whom shall be stockholders in said company; and said directors are empowered to elect one of their number president; and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy.

Sec. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually on the first Monday in September, at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company or a majority of them. The president and directors of said company shall hold their office until a new election of president and directors. All elections which are by this act or by the by-laws of the company to be made on any particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section.

Sec. 7. A general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of president and directors; and a meeting may be called at any time during the interval between the said annual meetings, by the president and directors or by the stockholders owning not less than one fourth of the whole stock subscribed, by giving thirty days public notice of the time and place of meeting; and when any such meeting is called by the stockholders, the particular object of such call shall be stated; and if, at any meeting thus called, stockholders owning a majority of stock subscribed are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if, within said three days, stockholders having a majority of such stock do not attend such meeting in person or by proxy, then the said meeting shall be dissolved.

Sec. 8. At each annual meeting of the stockholders of said compa-

Annual state-
ment of offi-
cers.

ny, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at general meetings of the stockholders, those holding a majority of the stock subscribed, may remove from office any president or any of the directors of said company, and elect others in their stead: *Provided*, Notice of such intended removal has been given as hereinbefore provided.

Powers of
Directors.

Sec. 9. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; and the said president and directors, or a majority of them, shall have power to determine the manner and evidence of the transfers of the stock in said company; and they shall have power to pass all the by-laws which may be necessary for carrying into execution all the powers vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States, nor of this State: *And provided further*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, dealing in produce or any other business except what properly belongs to a rail road and transportation company, as hereinafter provided. But the said company shall have power and authority to build, own, hire and use, in the navigation of the lakes and the rivers and waters connecting the same, one or more boats or vessels, for the purpose of transporting persons and property to and from the ports upon said waters, and to receive such remuneration therefor as may seem just and proper, and to exercise all the power in relation to the management of such boats or vessels as an individual might lawfully do.

Co. may ap-
propriate &
use lands, &c

Sec. 10. For the purpose of constructing said rail road or way, said company shall have authority and power to lay out, designate and establish their road in width not exceeding one hundred feet through the entire line thereof, and may take, have and appropriate to

their use all such lands so designated for the line or construction of said road ; and for the purpose of cuttings and embankments, and for the obtaining of stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction and security of said road, and for constructing shops, depots and other proper, suitable and convenient fixtures, in connection with, and as appurtenances to said rail road, may take, have, use and occupy any lands on either side of said rail road not exceeding two hundred feet in width from said rail road, the said company taking all such lands as gifts, or purchasing or making satisfaction for same in manner hereinafter provided.

Sec. 11. The said company, and under their direction their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said rail road, with one or more sets of tracks or rails, and for all the purposes connected with said rail road, for which the said company, by the last preceding section is authorized to take, have or appropriate any lands, and to fell and cut down all timber and other trees, standing or being within one hundred feet on each side of said line of rail road ; the damages occasioned by felling of trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said company ; and also to make, build, erect and set up in and upon the route of said rail road, or upon the land adjoining or near the same, all such works, ways, roads and conveniences, as may be requisite and convenient for the purposes of said rail road ; and also from time to time to alter, repair, amend widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying or conveying goods, commodities, timber or other things to and upon said rail road, as for carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of or connected with said rail road, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone or other materials, or any articles whatsoever, which may

May enter upon lands of others.

be wanted in the construction or repair of said road or any of its works or appurtenances; and also to make, repair, maintain and alter any fences or passages under or through the said rail road, or which shall communicate therewith, and to construct, erect and keep in repair any piers, arches or other works in, upon and across any rivers or brooks, for making, using or maintaining the said rail road and side paths, and also to construct, make and do all other matters and things which may be necessary and convenient for making effecting and preserving, improving completing and using the said rail road, in pursuance of and within the true intent and meaning of this act, they, the said company, doing as little damage as possible in the execution of the several powers to them hereby granted, and first making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments, before appropriating the same to the construction of said road.

May receive
grants of
lands, &c.

Sec. 12. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate for the purposes of said rail road, as may or shall be made to said company, to aid in the construction, maintenance and accommodation of said rail road, and said company may contract and agree with the owners or occupiers of any lands upon which the said company may wish to construct the said rail road or way, or which said company may wish to use or occupy for the purpose of excavation, or of procuring stone, sand, earth or other materials, to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said rail road, or which the company may wish to use or occupy in any manner, or for any purpose or purposes connected with said rail road, for which the said company is authorized or empowered by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any or all such lands, and of any or all interests or estates therein, to them and their assigns, in fee or otherwise; and in case said company cannot agree with the owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owner or occupier thereof; or if the owners or occupiers, or either or any of them, be a femme covert, under age, non compos mentis, unknown or out of the county in which the land or property wanted may lie or be situate, application may be made to

Assessment
of damages.

the circuit court commissioner, county judge or judge of probate of such county in which the lands are situate, or a judge of the supreme court, for an assessment and inquisition as hereinafter provided.

Sec. 13. Previous notice of such application shall be given to the owner or occupier of the land to be taken, either by personal service of such notice three days before making such application, or by a public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there be one, and if there be none so printed in the same county, then such notice to be published in a newspaper printed in an adjoining county, if there be any newspaper printed in an adjoining county, and if there be no paper so printed in an adjoining county, such notice to be published in the state paper if there be one, and if there be none, then in some newspaper printed in the city of Detroit; such notice shall describe the land proposed to be taken by the company, or touching which damages are to be assessed, by the section and quarter section, or if in a city or village, by the section, block and number of lot, or by some other suitable and proper description; and any irregularity or defect touching such notice shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise; evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, or some disinterested person knowing the fact; such affidavit, when made within three months after the last publication of such notice, shall be prima facia evidence of the facts therein set forth.

Notice of assessment.

Sec. 14. The commissioner or judge to whom such application shall be made, shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and the said judge or circuit court commissioner to whom such application was made, shall thereupon issue his warrant, under his hand and seal, inserting therein the twelve names so drawn by the clerk, and the twelve names so drawn from the petit jury box shall be thereupon deposited again by the clerk in said box, and the warrant so issued as aforesaid shall be directed to the sheriff of said county, or if the sheriff be interested,

Jury of inquest of damages.

Inquisition.

then to one of the coroners of said county, or in case the sheriff or coroners be jointly or severally interested, to some constable of said county, requiring him to summon the twelve persons whose names are inserted in such warrant, as jurors, to meet on or near the land or property, or materials to be valued, or touching which damages are to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same, and if, at the same time and place, any of the persons summoned do not attend, the said sheriff or coroner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or coroner for him, her or them, may strike off three jurors, and the remaining six shall sit as a jury of inquest of damages, and before they act as such, the sheriff or coroner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owners or occupiers have sustained or will sustain, by the use or occupation of the land, or the taking of the materials or other property required by the said company, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to said company, and the other to the party claiming compensation ; and the property taken, and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and a map thereof shall be set forth in such inquisition ; and such inquisition shall be filed in, and shall also be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made, if no sufficient cause to the contrary be shown, and when confirmed, the same shall be recorded by the clerk of such court, at the expense of said company, but if not confirmed, another inquisition may be taken in the manner above specified.

Effect of payment or tender of damages.

Sec. 15. And the money assessed as the valuation in any such inquisition, which shall have been confirmed, being paid or legally tendered to the party entitled to the same, the property so taken and valued shall immediately thereupon vest in such company as fully as if the same had been transferred by lawful deed by the owner or occu-

pier thereof for such term of time as the same may be required for the purposes authorized by this act ; and in case the party entitled to receive such money shall not appear before the jury which makes the inquisition, and make claim to such land, or shall not appear to demand or accept the money assessed as the valuation in any such inquisition, then a deposite with the Treasurer of this State of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the same ; and the State Treasurer shall receive and keep account of all moneys so received into the treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor or of a justice of the supreme court ; and such inquisition, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person to whom damages were awarded by such inquisition and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed by such inquisition, in manner aforesaid ; and if at any time it shall by any means happen that said company shall be in possession or occupancy of any land, the title to which, or the full right of use and occupancy whereof, for the purposes of said company in manner aforesaid, shall not have been duly relinquished to or vested in said company, then, in any and all such cases said company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed ; and the commissioner or judge issuing the warrant, and the sheriff, coroner, or constable, and jurors to be summoned under this act, shall be entitled for the services rendered by them to such compensation as may be fixed therefor by the chancellor or a justice of the supreme court, by an order for that purpose to be made by him, and which costs shall be paid by said company.

Sec. 16. Whenever in the construction of said rail road it shall be necessary to cross or intersect any established road, it shall be the duty of said company so to construct said rail road across such established road, as not unnecessarily to impede the passage of persons or pro-

Regulation,
when co.
may inter-
sect roads.

perty along the same ; and when it shall be necessary to construct it through the lands of any individual, it shall be their duty to provide for such individual proper wagon ways, and keep the same in repair across said rail road, from one part of his land to another.

Penalties.

Sec. 17. If said company shall neglect to provide proper wagon ways across said rail road, and keep the same in repair as required by the preceding section of this act, it shall be lawful for any individual to sue said company, and to recover such damages as a court or jury may think him, her or them entitled to for such neglect or refusal on the part of said company. When it shall be necessary for the convenience of the public or persons receiving or sending property by said rail road, the said company shall permit side tracks to intersect their main road at any depot on or along the line of said road ; and that such persons shall be entitled to have any property taken from such side tracks, under the direction and regulations of said company without unreasonable delay.

**Connection
with cross-
ing rail road,
canal, &c.**

Sec. 18. If it shall be necessary for the said rail road company, in the selection of the route or the construction of the said rail road, to be by them laid out and constructed, or any part of it, to connect the same with or to cross any rail road, canal, dam or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for the said company to contract with such other corporation for the right to cross or use such road, canal, dam or bridge, or for the transfer of such of the corporate or other rights and privileges of such corporation to the said company hereby incorporated, as may be necessary in that respect ; and every such other corporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the persons authorized by the respective acts of incorporation, to exercise their corporate power or any of the rights and privileges aforesaid ; and every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the respective parties under their several corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the rights to use and enjoy the same as fully as they are used and enjoyed by the said corporation in whom they are now vested.

Sec. 19. The said company shall have power to purchase with the

funds of said company, or to contract for and place on any rail road ^{Powers of company.} constructed by them under this act, all machines, wagons, carriages or vehicles of any description which they may deem necessary and proper for the purposes of transportation on said rail road, and they shall have power to charge for tolls and transportation, such sums as shall be lawfully established by the by-laws of said company ; and it shall not be lawful for any other company or any other person or persons to transmit any passenger or merchandize or property of any description whatever upon said rail road or any part of it without the license or permission of said company ; and the said rail road, with all its improvements, works and profits, and all machinery used on said rail road for transportation, and all the machine shops, depots, buildings and edifices connected with said rail road shall be vested in the said company forever, and the shares of the capital stock of said company shall be considered personal property, and shall be transferable on the books of said company, agreeably to the by-laws of said company, and subject to be taken in execution, agreeably to such laws as are or may be hereafter in force.

Sec. 20. The said company shall have full power and authority to ^{Tolls and dues for transportat'n} ask for, demand, recover and take the tolls or dues to and for their own proper use and benefit, on all goods, merchandize and passengers using or occupying the said rail road, or any other convenience, erection or improvement built, occupied or owned by the said company, to be used therewith ; and they shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage and storage, and shall have full power to erect and maintain such toll houses and other buildings, for the accommodation and proper transaction of their business as to them may seem necessary. Said company may charge and collect a reasonable sum for storage on property transported by them on said road, on delivery thereof at any of their depots, which property shall have remained so stored more than five days after notice to owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to owner, if consignee not known ; and said company shall transport merchandize and property and passengers upon said road, without partiality or favor, and with

all practicable dispatch, under a penalty for each violation of this provision, of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against said company. But soldiers, sailors and marines, and officers of the army and navy of this State, or in the service of the United States, and arms, ordnance, military stores and munitions of war, shall take precedence of other persons or property, first in favor of this State, second of the United States.

May cross
streams.

Sec. 21. Whenever it shall be necessary for the construction of their rail road, to intersect or cross any stream of water or water course or road or highway, lying on the route of said rail road, it shall and may be lawful for the company to construct their rail road across or upon the same : *Provided*, That the company shall restore the stream or water course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness.

Dividends.

Sec. 22. The said company may annually or semi-annually make such dividend as they may deem proper, of the nett profits, receipts or income of the said company, deducting the necessary expenses, and they shall make a dividend among the stockholders of the said company in proper proportions to their respective shares.

Assessments
on shares of
stock.

Sec. 23. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock of said company at such times and in such proportions, and on such conditions as they shall deem proper and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments ; and in case any subscriber or stockholder shall neglect to pay an assessment on his share or shares for the space of thirty days after the time in such notice specified for the payment thereof, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser on the books of the company, by the president thereof : and such delinquent subscriber or stockholder shall be held accountable to the company for the residue of the assessments, not satisfied by the proceeds of such sale of his share or shares, if sold for less than the assessments due thereon, with the interests and costs of

sale, and such costs and interests to be first paid from the proceeds of such sale, and shall be entitled to the surplus if his share or shares, shall sell for more than the assessments due, with interest and cost of sale : *Provided, however,* That no assessment shall be laid upon any shares in said corporation for a greater amount in the whole than one hundred dollars upon each share.

Sec. 24. The directors shall have full power to conduct the affairs of said company, and to exercise any powers which said company might exercise, except where provision is made by this act for the exercise of such powers by the stockholders at their annual or special meetings, or where the powers of the directors may be restrained by the by-laws of said company. ^{General powers of directors.}

Sec. 25. The directors of said company shall annually, on or before the twenty-fifth day of January, make a report to the Secretary of State, which shall embrace the business of the preceding year, to the first day of January, stating the length of their road in operation, cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution, on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be ; the amount of capital stock subscribed and the amount actually paid in, and the amount of all loans made by said company for the purpose of constructing said road ; and the nett proceeds invested in the construction and stocking of said road ; the amount of dividends, the names of the stockholders, with the amount of stock owned each, respectively ; receipts from freight, from passengers, and from all other sources on account of operating the road ; the number of through and way passengers, respectively ; the expenditures for the repairs of the road, for the repairs of engines and cars, and other expenditures, which three items shall include all the expenditures for operating, and the expenditure made for construction during the year ; the number of engines, of passenger, freight and other cars ; the average number of men in employment of the company ; the number of miles run by passenger, freight or other trains, which report shall be verified by the affidavit of at least two of the directors, or persons having the superintendence of the same, and filed in the office of the Secretary of State. ^{Annual report.}

Sec. 26. The said company shall pay to the state an annual tax of

Annual tax. half of one per cent. upon its capital stock paid in, including all loans made by said company, and upon all nett proceeds invested in the construction and stocking of said road, for the purpose of constructing the said rail road, until the first day of February, A. D. one thousand eight hundred and fifty-eight, and thereafter an amount of one per cent. on the capital stock paid in, including all loans made to such company, and all nett proceeds invested in the construction and stocking of said road ; which tax shall be paid in the last week in January in each year to the State Treasurer, and the property and effects of said company, whether real, personal or mixed, shall, in consideration thereof, be exempt from all and every tax, charge and exaction by virtue of any laws of this state now or hereafter to be in force, except penalties by this act imposed.

State lien. Sec. 27. The state shall have a lien upon the rail road of said company, its appurtenances and stock thereon, for all penalties, taxes and dues which may accrue to the state from said company, which shall take precedence of all other debts and demands, judgments or decrees against said company ; and every inhabitant in this state shall have a lien upon said rail road, stock and appurtenances, and upon the property of said company, for all penalties, dues or demands against said company to the amount of one hundred dollars, originally contracted within this state, which, after said state lien, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said rail road or company.

Trespasses, &c. Sec. 28. If any person shall wilfully or maliciously do, or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building, construction or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and may be punished, upon conviction, by fine or by imprisonment not exceeding five years, or both, at the discretion of the court ; and shall forfeit and pay to said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of said company, with costs of suit, by action of trespass or tresspass on the case.

Sec. 29. Said company shall at all times, if required by the post

office department, transport the United States mail upon said road, as often as their cars shall pass thereon, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department; and in case no such agreement can be made, it shall be lawful for the Governor of this State to appoint one commissioner, and the said company one, who, in case they cannot agree, shall appoint a third commissioner; which said commissioners, or a majority of them, shall agree upon and fix the price, terms and conditions of transporting such mail, after fifteen days' notice to said company: *Provided*, That nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

Transportation of U. S. mail.

Sec. 30. The state may at any time after twenty years from the approval of this act, purchase and take from said company said rail road, and all the effects, assets and property of said company, and said rail road, property and appurtenances (subject to all existing mortgages or other liens thereon, on account of loans, the proceeds of which shall have been invested in the said road and other works of said company) shall fully and forever vest in and become the estate, property and effects of the state, to all intents and purposes, so soon and whenever, after the day aforesaid, the state shall pay or cause to be paid to said company, the value of the entire stock of said shares in said company, at the market value of such stock or shares, and ten per cent in addition to the market value of such stock or shares. The market value of said stock or shares to be ascertained by the supreme court of this state, in case the said company and the state cannot agree upon said value.

State right to purchase road.

Sec. 31. Any inhabitant of this State shall have a lien upon the stock, appurtenances and entire property of said rail road company for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such company.

Lien of inhabitants.

Sec. 32. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made

Duration of charter. Repeal, &c.

Within twenty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act.

Approved April 3, 1848.

No. 235.

AN ACT to incorporate the Grand River Plank Road Company.

Incorporat'n Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Louis Campau, Amos Rathbone, Edmund B. Bostwick, Francis H. Cumming, Nelson Robinson, George M. Mills and Canton Smith, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Grand River Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Grand River Plank Road Company, with corporate succession.

Route of ro'd Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Grand Rapids in the county of Kent, on the most eligible route to the village of Portland in the county of Ionia.

Capital sto'k Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, in three thousand shares of twenty-five dollars each.

Duration of charter. Repeal, &c. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March 13, 1848, shall be, and are made a part of this act. Subject to general provisions of revis'd statutes

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 236.

AN ACT to incorporate the Monroe and Erie Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Lewis H. Bailey, Lewis Darrah and Samuel J. Holley, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Monroe and Erie plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate by the name and style of the Monroe and Erie Plank Road Company, with corporate succession. Incorporat'n

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the city of Monroe, in the county of Monroe, on the most eligible route to the village of Vienna in said connty. Route of ro'd

Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, its repeal, &c.

Co. may take
portion of
Maumee
turnpike.

Sec. 5. As soon as said company shall be duly organized, the board of directors are hereby authorized to enter upon and take possession of so much of the Maumee turnpike road, so called, as lies between said city of Monroe and the village of Vienna in said county, and maintain a plank road thereon : *Provided*, That during the construction of said plank road, the said company shall in no [wise] unnecessarily prevent travel thereon.

Com. coun-
cil of Mon-
roe may sub-
scribe stock.

Sec. 6. The common council of the city of Monroe are hereby authorized to subscribe for said city an amount not exceeding in all five thousand dollars of the capital stock of this, or of any other company authorized to locate and construct a plank road terminating at said city, and provide for the payment thereof as for the ordinary expenses of said city.

General pro-
visions.

Sec. 7. The provisions of an act entitled an act relative to plank roads, approved March thirteen, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 8. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 237.

AN ACT to change the name of the town of Michigan.

Name of ca-
pital chang'd

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of the town of "Michigan" in the county of Ingham, be and the same is hereby changed to "Lansing."

Approved April 3, 1848.

No. 238.

AN ACT to incorporate the Jackson and Michigan Plank Road Company.

Incorporat'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George B. Cooper, Guy Foota, Wilber F. Story, Amos Root and Jeremiah Marion, be and they are hereby appointed commissioners under the direction of a majority of

whom subscriptions may be received to the capital stock of the Jackson and Michigan Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Jackson and Michigan Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, Route of road from Jackson in the county of Jackson, to Michigan in the county of Ingham, with the right of uniting said road at any point with the plank road of any other company.

Sec. 3. The capital stock of said company shall be eighty thousand Capital. dollars, in two thousand shares of forty dollars each.

Sec. 4. This act shall be and remain in force for the term of sixty Duration of charter. years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided that there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank General provisions. roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 289.

AN ACT to incorporate the Brest and Ypsilanti Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That J. S. Bond, A. M. Arzeno, of the county of Monroe, and E. M. Skinner and W. A. Bugbee, of Incorporation

Washtenaw, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Brest and Ypsilanti Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Brest and Ypsilanti Plank Road Company, with corporate succession.

Route of road. Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from Brest, in the county of Monroe, to the village of Ypsilanti, in the county of Washtenaw.

Capital. Sec. 3. The capital stock of said company shall be sixty thousand dollars, in two thousand shares of twenty-five dollars each.

Duration of charter, &c. Sec. 4. This act shall be and remain in force for the term of fifty years from and after its passage ; but the legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each branch thereof ; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act : *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested. provided there be no violation of the charter of said company.

General provisions. Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 240.

AN ACT to incorporate the Pontiac and Lapeer Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Aaron Rood, James Turril,

Harvey Gray, William H. Powell, Loren N. Treat and Gideon O. Whittemore, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Pontiac and Lapeer Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Pontiac and Lapeer Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created, shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Pontiac, in the county of Oakland, to the village of Lapeer, in the county of Lapeer, with the right of uniting said road at any point with the plank road of any other company.

Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, in two thousand shares of twenty-five dollars each.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 241.

AN ACT to incorporate the Dexter and Michigan Plank Road Company.

Incorporation Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Samuel W. Dexter, D. C. Whitwood of Dexter, and E. B. Danforth of the county of Ingham, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Dexter and Michigan plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby created a body corporate and politic by the name and style of the Dexter and Michigan Plank Road Company, with corporate succession.*

Route of road Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings from the village of Dexter, in the county of Washtenaw, to the town of Michigan in the county of Ingham.

Capital.

Duration of charter.

Gen'l provisions.

No. 242.

AN ACT to incorporate the Genesee County Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jonathan Dayton, Charles D. W. Gibson, Charles C. Hascall, George H. Hazelton and Henry M. Henderson, of the county of Genesee, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Genesee County Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Genesee County Plank Road Company, with corporate succession. Incorporated

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Flint to the south line of the township of Grand Blanc on the Saginaw road in the county of Genesee, with the privilege of uniting at any point the road of any other company. Route of road

Sec. 3. The capital stock of said company shall be twenty-five thousand dollars in one thousand shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, &c.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 241.

AN ACT to incorporate the Dexter and Michigan Plank Road Company.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel W. Dexter, D. C. Whitwood of Dexter, and E. B. Danforth of the county of Ingham, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Dexter and Michigan plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby created a body corporate and politic by the name and style of the Dexter and Michigan Plank Road Company, with corporate succession.

Route of road

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings from the village of Dexter, in the county of Washtenaw, to the town of Michigan in the county of Ingham.

Capital.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each.

Duration of charter.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company.

Gen'l provisions.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

AN ACT to incorporate the Clinton and Bad River Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That J. W. Turner, Daniel Ferguson, Stephen W. Downer, Chandler W. Coy and Robert E. Craver, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Clinton and Bad River plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Clinton and Bad River Plank Road Company, with corporate succession. Incorporation

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Dewitt in the county of Clinton, on the most eligible route to the forks of Bad River in the county of Saginaw. Route of road

Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, in three thousand shares of twenty-five dollars each. Capital

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, &c.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3. 1848.

AN ACT to incorporate the Detroit and Utica Plank Road Company.

Integrator's Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Charles W. Chapel, James Covil, Jr., and James A. Hicks, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Detroit and Utica plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Detroit and Utica Plank Road Company, with corporate succession.

Route of road Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the city of Detroit in the county of Wayne, on the most eligible route to the village of Utica in the county of Macomb.

Capital, Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty five dollars each.

Duration of charter, &c. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided,* That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company.

General provisions. Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

AN ACT to incorporate the Indiana and Adrian Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That James Fowle, John King and Sidney S. Drake, of Hillsdale county, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Indiana and Adrian plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Indiana and Adrian Plank Road Company, with corporate succession. ^{Incorporation}

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the Indiana state line, in the county of Hillsdale, on the most eligible route to the south west corner of Lenawee county, thence upon the most eligible route to the village of Adrian, in the county of Lenawee. ^{Route of road}

Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each. ^{Capital.}

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided,* That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. ^{Duration of charter, &c.}

Sec. 5. Said company shall be subject to all the provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight. ^{General provisions.}

Sec. 6. This act shall take effect from and after its passage.

Approved April 2 1849

AN ACT to incorporate the Lapeer and Pontiac Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That Lorin I. Treat William H

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Capital.

Duration of
charter, &c.

General pro-
visions.

No. 248.

AN ACT to incorporate the Tecumseh and Jackson plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That G. W. Ketchum, Parley Bills, S. Walker, H. B. Lathrop and J. C. Wood, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Tecumseh and Jackson plank road company, and the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Tecumseh and Jackson Plank Road Company, with corporate succession. Incorporat'n

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Tecumseh in the county of Lenawee, on the most eligible route, to the village of Jackson in the county of Jackson. Route of ro'd

Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, in three thousand shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, &c.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

AN ACT to incorporate the Romeo and Lapeer Plank Road Company.

Interpretation Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That C. F. Mallary, Hiram Sherman, Moody Chamberlin, Harvey Grey and John M. Lamb, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Romeo and Lapeer plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Romeo and Lapeer Plank Road Company, with corporate succession.

Route of road Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Romeo in the county of Macomb, by the village of Almont, on the most eligible route to the village of Lapeer in Lapeer county.

Capital.

Duration of charter, &c.

General provisions.

AN ACT to incorporate the Battle Creek and Union City Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* ^{Incorporated} That Cholett Cady, Joseph C. Leonard, Chester Hammond and John Champion, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Battle Creek and Union City Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Battle Creek and Union City Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have power to lay out, ^{Route of road} establish and construct a plank road and all necessary buildings, from the village of Battle Creek in the county of Calhoun, on the most eligible route to the village of Union City, in the county of Branch.

Sec. 3. The capital stock of said company shall be fifty thousand ^{Capital} dollars, in two thousand shares of twenty-five dollars each.

Sec. 4. This act shall be and remain in force for the term of sixty ^{Duration of} years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made ^{charter, &c.} within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided,* That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank ^{General pro-} roads, approved March thirteenth, eighteen hundred and forty-eight, ^{visions.} shall be deemed a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1846.

Incorporat'n

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**Duration of
charter, &c.**

said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 6. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be deemed a part of this act of incorporation. General provisions.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 252.

AN ACT to incorporate the Portland and Michigan Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Wm. F. Jennison, A. Newman and Hezekiah Smith, be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Portland and Michigan plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Portland and Michigan Plank Road Company, with corporate succession. Incorporation

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Portland, in the county of Ionia to the town of Michigan in the county of Ingham. Route.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said Duration of charter.

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the reof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

General provisions.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

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Sec. 4. As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the Detroit and Saginaw road, so called, as lies between the Grand Circus in the said city of Detroit, and the village of Birmingham, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual travel thereon.

Sec. 5. This act shall be and remain in force for the term of sixty ^{Duration of} years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 256.

AN ACT to incorporate the Ann Arbor and Monroe Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William S. Maynard, Benjamin F. Fifield and Eleazer Barnes, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Ann Arbor and Monroe plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and pol- ^{Incorporat'n}

itic, by the name and style of the Ann Arbor and Monroe Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Ann Arbor in the county of Washtenaw, on the most eligible route to the city of Monroe, in the county of Monroe.

Route.

Capital.

Duration
charter.

General
visions.

incorpor

with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Mt. Clemens and Romeo Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay ^{Route of ro'd} out, establish and construct a plank road and all necessary buildings, from the village of Mt. Clemens, in the county of Macomb, on the most eligible route to or near the village of Romeo, in said county.

Sec. 3. The capital stock of said company shall be twenty thousand ^{Capital.} dollars, in one thousand shares of twenty dollars each, with power to increase said capital stock to thirty thousand dollars with a corresponding increase of the number of shares.

Sec. 4. This act shall be and remain in force for the term of sixty ^{Duration of} years from and after its passage, but the legislature may at any time ^{charter, &c.} alter, amend or repeal this act by a vote of two thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank ^{General pro-} roads, approved March thirteenth, eighteen hundred and forty-eight, ^{visions.} shall be, and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 258.

AN ACT to incorporate the Rochester and Royal Oak Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representa-* ^{Incorporat'n} *tives of the State of Michigan, That Henry Miller, Heman Palmer-* lee, John F. Hamlin, A. Bernard Cudworth and Rollin Sprague, be

and Nathan Mears, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Paw Paw plank road company, and the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Paw Paw Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay ^{Route of road} out, establish and construct a plank road and all necessary buildings, from the village of Paw Paw, in the county of Van Buren, on the most eligible route to some point on the central rail road, at or near the point where the Little Prairie Road crosses said rail road.

Sec. 3. The capital stock of said company shall be ten thousand ^{Capital} dollars, in four hundred shares of twenty-five dollars each.

Sec. 4. This act shall be and remain in force for the term of sixty ^{Duration of charter, &c.} years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank ^{General provisions.} roads, approved March thirteenth, eighteen hundred and forty-eight, shall be deemed a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 260.

AN ACT to incorporate the Monroe and Saline Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representa-*

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Sec. 6. The provisions of an act entitled an act relative to plank roads, approved March 13th, 1848, shall be and are made a part of this act. ^{General provisions.}

Sec. 7. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 261.

AN ACT to incorporate the Kalamazoo and Black Lake Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Lawrence Van De Walker, David B. Webster, Horace H. Comstock, Lintsford B. Coats, Joseph Fisk, B. D. Crary, Osmond Smith and Henry D. Post, be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Kalamazoo and Black Lake plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Kalamazoo and Black Lake Plank Road Company, with corporate succession. ^{Incorporat'n}

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Kalamazoo in the county of Kalamazoo, on the most eligible route through the villages of Ostego and Allegan, to a point at or near the head waters of Black Lake, in the county of Ottawa; and shall also have the power, by a majority vote of the stockholders of said company, at any regular meeting thereof, to lay out, establish and construct a branch of said plank road from any point on the line thereof, between the village of Allegan and the north-western termination of said plank road to the village of Grand Rapids in the county of Kent. ^{Route of ro'd}

Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, to be divided into three thousand shares of twenty-five dollars each, with the power to increase said capital stock to one ^{Capital.}

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from the town of Michigan, in the county of Saginaw, to the village of

Dewitt, in the county of Clinton.

Sec. 3. The capital stock of said company shall be ten thousand ^{Capital} dollars, in four hundred shares of twenty-five dollars each.

Sec. 4. This act shall be and remain in force for the term of sixty ^{Duration of} years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank ^{General pro-} roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 263.

AN ACT to incorporate the Corunna and Saginaw Plank Road Com-
pany.

Section 1. *Be it enacted by the Senate and House of Representa-* ^{incorporat'n} *tives of the State of Michigan*, That Isaac Castle, Alexander McArthur, Ransom W. Holley, Luke H. Parsons, Ebenezer C. Kimberly and Samuel W. Cooper, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Corunna and Saginaw plank road company, and the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Corunna and Saginaw Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay

Route. out, establish and construct a plank road and all necessary buildings, from Corunna, in the county of Shiawassee, to Saginaw, in the county of Saginaw, or to such intermediate point as the stockholders of said company shall determine.

Capital. Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each.

Duration of charter. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses shall exceed ten per cent. of the capital stock invested, provided there be no violation of the charter of said company.

General provisions. Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March 13th, 1848, shall be and are made a part of this act, together with an act amendatory thereto.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 264.

AN ACT to incorporate the Ann Arbor and Michizan Plank Road

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tic, by the name and style of the Ann Arbor and Michigan Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from Ann Arbor in the county of Washtenaw, on the most eligible route to the town of Michigan in the county of Ingham. Route of ro'd

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, in four thousand shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, &c.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 265.

AN ACT to incorporate the Brooklin and Rome Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That L. G. Berry, Ira Bidwell, John Hart, Sylvester Walker and James Geddes, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Brooklin and Rome plank road company, and the subscribers thereto, with such other Incorporat'n

persons as shall associate with them, for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Brooklin and Rome Plank Road Company, with corporate succession.

Route of road Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Adrian in the county of Lenawee, to Jackson in the county of Jackson.

Capital Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, in three thousand shares of twenty-five dollars each.

Duration of charter. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence unless the yearly nett profits of said company over and above all expenses shall exceed ten per cent on the
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appointed commissioners, by whom or a majority of them, subscriptions may be received to the capital stock of the Detroit and Howell plank road company, under which name such persons as shall become subscribers to said capital stock, are hereby constituted a body politic and corporate, for the purpose of building and maintaining a plank road ^{Route of road &c.} from the city of Detroit in the county of Wayne, on the most eligible route to the village of Howell in the county of Livingston, and also from some point at or near the Sand Hill, so called, on the Grand River road, so called, in said county of Wayne, to the village of Waterford in said county, and also from some eligible point on the main line of the plank road hereby authorized to the village of Milford in the county of Oakland. Said company shall have the right to increase their capital stock to one hundred and fifty thousand dollars, and to extend the road to the town of Michigan in the county of Ingham. The directors shall annually, on the first Monday of June, open books of subscriptions to the capital stock till the full sum of one hundred and fifty thousand dollars, or a sufficient amount thereof to complete the road to Michigan, is subscribed. Said company shall have corporate succession.

Sec. 2. The capital stock of said company shall be one hundred and ^{Capital.} twenty-five thousand dollars, divided into five thousand shares of twenty-five dollars each.

Sec. 3. The said company shall be subjected to the provisions of ^{General provisions.} an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, except so far as otherwise provided in this act.

Sec. 4. As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the Detroit and Grand River road, so called, as lies between the city of Detroit and the village of Howell, and proceed to construct and maintain thereon a plank road: ^{Co. may take possession of certain road.} *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual track thereon: *Provided further*, That nothing herein contained shall be construed as conveying any other or further right in said Grand River road, than the state as such possesses.

Sec. 5. This act shall be and remain in force for the term of sixty

years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 267.

AN ACT to incorporate the Eaton Rapids Plank Road Company.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That Gardner T. Rand, Horace Hamlin and Benjamin Knight, be and they are hereby appointed commissioners under the direction of a majority of whom subseri-

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alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 268.

AN ACT to incorporate the Battle Creek and Michigan Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William Johnson, of Michigan, Hannibal G. Rice, of Charlotte, Sylvanus Huntseeker, of Bellevue, and William Brooks, of Battle Creek, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Battle Creek and Michigan plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Battle Creek and Michigan Plank Road Company, with corporate succession. Incorporat'n

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Battle Creek in the county of Calhoun, on the most eligible route, to the town of Michigan in the county of Ingham. Route of road

Sec. 3. The capital stock of said company shall be seventy-five

Capital. thousand dollars, in three thousand shares of twenty-five dollars each.

Duration of charter, its repeal, &c. **Sec. 4.** This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said

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Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty five dollars each. Capital stock

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter.
Repeal, &c.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 270.

AN ACT to incorporate the Detroit and Mt. Clemens Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Austin Wales, Lansing B. Mizner, George M. Rich, Porter Kibbee, John Stephens and Thomas M. Perry, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Detroit and Mt. Clemens plank road company, and the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Detroit and Mt Clemens Plank Road Company, with corporate succession. Incorporat'

Sec. 2. Said company hereby created shall have the power to lay

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for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Flint and Fentonville Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Flint to the village of Fentonville, on the line of the state road between the said villages. Route of road

Sec. 3. The capital stock of said company shall be twenty-five thousand dollars, in one thousand shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, &c.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 272.

AN ACT to incorporate the New Baltimore and Romeo Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Aldis L. Rich, Alfred Ashley, and Asahel Bailey, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the New Baltimore and Romeo Plank Road Incorporation

- Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the New Baltimore and Romeo Plank Road Company, with corporate succession.

Route of road Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of New Baltimore in the county of St. Clair, on the most eligible route to the village of Romeo in the county of Macomb.

Capital Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, to be divided into three thousand shares of twenty-five dollars each, with the power to increase said capital stock to one hundred thousand dollars, with a corresponding increase of the number of shares.

Duration of charter, &c Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage ; but the legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each branch

tives of the State of Michigan, That the time for making out the assessment roll of the taxable property in the counties of Chippewa, Marquette, Houghton, Schoolcraft and Ontonagon, be between the third Monday of April and the first Monday of July in each year, and the assessors shall, on Saturday next preceding the second Monday of July in each year, meet at the office of the supervisor, for the reviewing and completing their assessment as now required by law in other counties.

Time for making out assessment roll extended.

Sec. 2. The township clerk shall, on or before the third Monday of July in each year, deliver to the supervisor of his township, a statement of the money to be raised therein for township purposes.

Duty of township clerk.

Sec. 3. The annual meeting of the supervisors of the counties aforesaid, shall be on the first Monday of August instead of the second Monday of October, as now prescribed by law.

Annual meeting of supervisors.

Sec. 4. The supervisor of each township, on or before the twentieth day of August, shall notify the township treasurer of the amount of state and county tax apportioned to his township, and such treasurer, on or before the twenty-fifth day of August, shall make out and deliver his bond to the county treasurer as prescribed by law, and the said township treasurer shall deliver the receipt of the county treasurer to the supervisor, on or before the twenty-eighth day of August.

Duties of supervisors.

Sec. 5. The supervisor, after the delivery of such receipt, shall deliver to the township treasurer the corrected assessment roll of his township, on or before the first day of September, made out in the form prescribed by law in other cases, and with a proper warrant annexed.

Ibid.

Sec. 6. The township treasurer, upon receiving the necessary tax list and warrant, shall proceed to collect the tax therein mentioned as prescribed by law, and shall pay over to the county treasurer the amount therein specified for state and county purposes, on or before the twentieth day of November, instead of the first day of February, as now required by law.

Township Treasurer.

Sec. 7. This act shall take effect and be in force from and after its passage,

Approved April 3, 1848.

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Approved April 3, 1848.

No. 275.

AN ACT to establish a state road from the village of Michigan in the county of Ingham, to Saginaw City in the county of Saginaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William Smith, Alfred L. Williams and Daniel Gould, be and they are hereby appointed commissioners to lay out and establish a state road from the village of Michigan in the county of Ingham, on the most direct and eligible route, by the way of Owasso, in the county of Shiawassee, and Northampton and the forks of Bad river in the county of Saginaw, to the city of Saginaw.

Com'rs to
lay out road.

Sec. 2. The commissioners named in this act shall file the surveys of so much of the above mentioned road, in the office of the township clerk of each township through which said road shall pass as shall be laid out in such township, and it is hereby made the duty of the township clerks in the said townships to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded.

Surveys to
be filed.

Sec. 3. That it shall be the duty of the commissioners of highways in the several townships through which said road shall pass, to open and work said road in the same manner, and by virtue of the same law as township roads are required to be opened and worked.

Duties of
highway
com'rs.

Sec. 4. The state shall not be liable for any expenses incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

State not lia-
ble, &c.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

AN ACT to authorize Stephen V. Kinney to build a dam across the Grand River.

Dam authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Stephen V. Kinney, his heirs and assigns, are hereby authorized and empowered to erect a dam across the Grand River, on section seventeen, in the township of Onondaga, in the county of Ingham: *Provided,* That the said Kinney, his heirs or assigns shall at the time of building said dam, construct therein or thereat a good and sufficient chute or slide for the passage of boats, rafts and other water craft.

Description of dam, &c.

Sec. 2. That the said dam shall not exceed eight feet above common low water mark, and shall contain a convenient lock for the passage of all boats, barges, rafts or other water craft that may navigate said river, and shall be so constructed as to receive such boats and other water craft, in slack water of sufficient depth, below said dam, and to pass them to slack water of sufficient depth above said dam, for all the purposes of the navigation of said river at all times, whenever the circuit or county court of said county shall order the same to be done upon good cause shown.

Duty of owners.

Sec. 3. It shall be the duty of the owners of said dam, at all times to keep said locks in repair, and to pass any water craft through the dam free of toll, and without unnecessary delay; and any person who shall be so detained shall be entitled to recover of the said owners double the amount for the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with costs of suit.

Trespasses.

Sec. 4. Any person who shall destroy or in any wise injure said dam or lock, shall have been deemed to have committed a trespass upon the owners thereof, and be liable accordingly; and any person who shall wilfully or maliciously destroy or injure the said lock or dam, shall be deemed guilty of a misdemeanor, and on conviction thereof be punished by fine and imprisonment, in the discretion of the court.

Rights of persons reserved.

Sec. 5. Nothing herein contained shall authorize the individual named in the first section of this act, his heirs or assigns to enter upon or flow the land of any person or persons without the consent of

such person or persons, and the legislature may at any time hereafter alter, amend or repeal this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 277.

AN ACT to lay out a state road in the counties of Montcalm and Ionia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George Gibson, Rufus K. Moore and George Louchs, be and they are hereby authorized and empowered to lay out and establish a state road, beginning at the quarter post on the north side of section seventeen, in township nine north of range eight west, thence on the most eligible route to Mathew Van Vleck's, in the township of Ronald, Ionia county. Com'r's to lay out road.

Sec. 2. The commissioners named in this act shall file the surveys of so much of the above mentioned road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township, and it is hereby made the duty of the township clerks of the said townships to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded. Duties of com'r's.

Sec. 3. The commissioner [of] highways of the several townships through which the aforesaid road shall be laid, shall have the same power and by virtue of the same laws are required to open and work said road as township highways are opened and worked, and that the said commissioners of highways of the several townships through which the afore mentioned road shall be laid, may expend upon the said road in their respective townships such portion of the non-resident highway taxes of said township as they may deem proper. Highway com'r's duties.

Sec. 4. The state shall not be liable for any expense incurred or damage sustained by reason of this act. State not liable, &c.

Sec. 5. This act shall take effect from and after its passage, and be in force for the term of three years.

Approved April 3, 1848.

Incorporatⁿ

Route.

Capital.

**Duration of
charter.**

**Gen^l provis-
ions.**

AN ACT to incorporate the Adrian and Jackson Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That J. H. Cleaveland, Ira Bidwell, S. Walker, A. F. Fitch and J. B. Pierce, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Adrian and Jackson Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Adrian and Jackson Plank Road Company, with corporate succession. Incorporation

Sec. 2. Said company hereby created shall have the power to lay out, Route. establish and construct a plank road and all necessary buildings, from Adrian, in the county of Lenawee, to Jackson, in the county of Jackson.

Sec. 3. The capital stock of said company shall be one hundred Capital thousand dollars, in four thousand shares of twenty-five dollars each.

Sec. 4. This act shall be and remain in force for the term of sixty Duration of years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch charter, &c. thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank Gen'l provisions. roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and remain a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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of said company.

Sec. 5. The provisions of an act entitled an act relative to plank ^{Gen'l provisions.} roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 261.

AN ACT to incorporate the Adrian and White Pigeon Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry Hart, John R. Clark, ^{Incorporators} T. D. Billings, Ira Buck and C. B. Stebbins be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Adrian and White Pigeon Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Adrian and White Pigeon Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay ^{Route.} out, establish and construct a plank road and all necessary buildings, from the village of Adrian, in the county of Lenawee, on the most eligible route, to White Pigeon, in the county of St. Joseph.

Sec. 3. The capital stock of said company shall be seventy-five ^{Capital.} thousand dollars in three thousand shares of twenty-five dollars each, with power to increase said capital stock to two hundred thousand dollars, with a corresponding increase in the number of shares.

Sec. 4. This act shall be and remain in force for the term of sixty ^{Duration of charter, &c.} years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the com-

appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. Gen'l provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 283.

AN ACT to authorize the supervisors of the county of Kalamazoo to build a free bridge across the Kalamazoo, river at the village of Kalamazoo and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisors of the county of Kalamazoo be and they are hereby authorized to build a free bridge across the Kalamazoo river, in the village of Kalamazoo in said county. Bridge authorized to be built.

Sec. 2. That two thousand acres of internal improvement lands upon the lower peninsula, be and the same are hereby appropriated for the purpose of building said bridge; the said supervisors may select said lands and report their selection to the Commissioner of the Land Office, who shall reserve them for the purposes above stated, and shall issue certificates therefor in quantities not less than eighty acres, after the said bridge shall have been completed: *Provided*, It is finished within two years from the passage of this act; the certificates not to be issued until the sheriff of the county of Kalamazoo shall certify to the Commissioner of the Land Office that said bridge is completed and the amount of the certificates shall not exceed the value of the said lands, estimated at one dollar and twenty cents per acre, and the expenses of locating the lands, to be paid out of the county treasury of said county. 2000 acres int. imp. lands appropriated.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 8, 1948.

No. 284.

AN ACT to provide for the improvement of the main road from Jackson, in the county of Jackson, to Michigan, in Ingham county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That ten thousand acres of internal*
20,000 acres
but keep land

Sec. 5. Whenever any contractor under the preceding sections of this act, shall have finished his job, according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or if any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor for any such services by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands, which warrants shall be received at the said office in payment for any unappropriated internal improvement lands belonging to the state: *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a less price than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate of sale than forty acres.

Payment of
contractors,
&c.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and dispatch compatible with proper economy and best interests of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from the said appropriations hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Compensat'n
of com'r, &c.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 285.

AN ACT to provide for the construction and improvement of the Northern Wagon Road from Port Huron, in the county of St. Clair, through the counties of Lapeer and Genesee, to Corunna, in the county of Shiawassee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That twenty thousand acres of internal improvement lands be, and they are hereby appropriated for the purpose of constructing and improving the northern wagon road

20,000 acres
int imp. land
appropriated

in the counties of St. Clair, Lapeer, Genesee and Shiawassee to the town of Corunna.

Spec'l com'r,
his powers
and duties.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the state is hereby authorized to appoint a special commissioner, who shall, in virtue of his appointment, have the control and management of the said improvement in this act specified, and shall superintend in person the outlay of the above appropriation, and for that purpose may employ laborers, purchase materials and let by contract to the lowest bidder, such jobs as he may deem advisable upon receiving the bond of any such contractor, with sufficient sureties, conditioned for the faithful performance of the contract: *Provided*, That public notice of the time and place of such letting be first given by publishing the same for three successive weeks in the newspapers published in St. Clair, Lapeer, Genesee and Shiawassee counties and in the state paper.

Payment of
contractors,
and others.

Sec. 3. Upon the completion of any job, and in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by said commissioner for the

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ble with proper economy and the best interests of the state, and shall receive for his services a sum not exceeding two dollars per day, for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable from the said appropriation, and shall render to the Auditor General an account of all services rendered by him, verified by his oath.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 286.

AN ACT appropriating certain Internal Improvement Lands for opening and improving the roads in the county of Branch.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That five thousand acres of the internal improvement lands in the lower peninsula of this state be and are hereby appropriated for opening and improving the roads in the county of Branch, to be appropriated as the supervisors of the county may direct, by a vote of two-thirds of said board, at any regular meeting thereof. Appropriation

Sec. 2. For the purpose of carrying into effect the provisions of this act, the board is hereby authorized to appoint a commissioner to make a selection of the land herein appropriated, and to report such selection to the Commissioner of the Land Office, who shall thereupon reserve the same from sale, issuing no certificate therefor, except upon the order of said board of supervisors. Spec'l com'r appointed.

Sec. 3. The said commissioner shall have the control and management of the improvements in this act specified, and shall have power to let out by contract the opening and improving said road, in such parts or jobs as he may think best, to the lowest bidder, who shall execute to said commissioner a bond to be approved by him for the faithful performance of his contract: *Provided*, That before such letting the said commissioner shall advertise for proposals for contracting said work, for at least three successive weeks, in the Coldwater Sentinel. His duties.

Sec. 4. Said special commissioner shall perform his said duties with proper dispatch and diligence, and shall receive for his services a sum Compensation &c.

not exceeding one dollar and fifty cents per day, and such compensation shall be audited and allowed by the board of supervisors, upon a bill of such services sworn to be a true bill, and that all the services charged for therein were necessary and proper in the opinion of said commissioner. On allowing such bill the board of supervisors shall issue their warrant to said commissioner payable in internal improvement lands for the amount so audited, at one dollar and twenty-five cents per acre, which warrant shall be received in the state land office in payment of any such lands as may be reserved by this act from sale.

Payment of
contractors
and others.

Sec. 5. Upon the completion of any joblet in pursuance of this act, in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by said commissioner for the purposes contemplated by this act, the board of supervisors may draw orders upon the Auditor General for warrants payable in internal improvement lands reserved in pursuance of this act, which said warrants shall be received in the state land office in payment for any such lands.

Oath and
bond.

Sec. 6. Said commissioner before entering upon his said duties, shall take an oath faithfully to perform the same, and give a bond to be approved by the board of supervisors, conditional for the faithful performance of all his said duties, which oath and bond shall be filed with the board of supervisors. In case of a vacancy in the office of said commissioner, the board of supervisors may appoint a new commissioner, who shall take the same oath and give a like bond.

Sec. 7. Said board of supervisors shall not draw orders for any more land than is appropriated and reserved hereby.

Sec. 8. This act shall take effect from and after its passage.

Approved April 9, 1848.

appropriated for the purpose of improving the road commencing at Hillsdale, in the county of Hillsdale, and running to or near the north-east corner of the state of Indiana.

Sec. 2. For the purpose of laying out and establishing the said road, and of opening and improving the same, by the outlay of the above appropriation, the Governor is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond, with sufficient sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner. Spec'l comm'r.

Sec. 3. The said special commissioner, shall by virtue of his appointment have the control and management of the improvement contemplated by this act, and shall have power to let out by contract the working and improvement of said road to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond with sureties to be approved by him and conditioned for the faithful performance of the work stipulated in said contract: *Provided*, That before such letting of work, the said commissioner shall advertise for proposals for opening and improving said road, or any part thereof, in separate sections or jobs, describing the same; such advertisement to be published at least four successive weeks, in a newspaper published at Hillsdale. His powers and duties.

Sec. 4. Whenever any contractor, under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor or contractors for any such services or work, by his order drawn on the Commissioner of the State Land Office, and which order shall be received at the land office in payment for any lands belonging to the state not otherwise appropriated: *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a price less than that now established by law, or in less quantity in any one certificate than forty acres. Payment of contractors and others.

Sec. 5. Said commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch that shall be Compensation of comm'r, &c.

compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his ~~certi~~.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 286.

AN ACT providing for the appropriation of certain internal improvement lands on the state road leading from Lexington, in the county of St. Clair, to Rogers' Mills, in Lapeer county.

Appropriation Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That three thousand acres of the internal improvement lands be, and the same are hereby appropriated for the purpose of constructing a road from the village of Lexington, in the county of St. Clair, to Rogers' Mills, in Lapeer county.

Spec. Comm'r. Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the state is hereby authorized to appoint a special commissioner to make a selection of the lands hereinbefore appropriated, and to report such selection to the Commissioner of the State Land Office, who shall thereupon reserve the same from sale, is-
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proper, in some newspaper published in the county of St. Clair, for three weeks successively, which last publication shall not be more than thirty, nor less than ten days previous to such letting.

Sec. 4. Whenever any contractor, under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by the said special commissioner, or any service shall have been rendered, under the provisions of this act, it shall be the duty of the said commissioner to pay said contractor according to the terms of his contract, or for any such service by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands, which warrants shall be receivable at the state land office in payment for any lands selected and reserved from sale by the provisions of this act: *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a less price than that now established by law, for the sale of the internal improvement lands, or a less quantity in any one certificate of sale than the usual legal subdivision of said lands.

Payment of
contractors,
&c.

Sec. 5. The said special commissioner shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office and execute and file a bond to the people of this state in such sum and with such sureties as shall be approved by the Auditor General, conditioned for the faithful discharge of his duties as such special commissioner.

Sec. 6. Said commissioner shall proceed to the outlay of the appropriation made by this act with all the diligence and dispatch compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable pro rata from the said appropriation, and shall render to the Auditor General an account of all services rendered by him by virtue of the provisions of this act, verified by his oath; thereupon the Auditor General shall issue his warrant to the said special commissioner for the amount of such services, which shall be receivable by the Commissioner of the State Land Office for any lands selected and reserved from sale by the provisions of this act.

Compensat'n
of com'r.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 289.

AN ACT to provide for laying out and establishing a state road from Albion to Eaton Rapids, and to make an appropriation for opening and improving the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jesse Crowell, Marvin Hanna and Samuel Weeks, be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Albion in the county of Calhoun, on the most eligible route to Eaton Rapids, in the county of Eaton.

Com'r to lay
out state ro'd

Duties of
com'rs.

Sec. 2. It shall be the duty of the commissioners appointed by this act to lay out and establish the said road, to cause a map to be made of so much of the same as shall be laid through each township with the courses and distances plainly designated thereon, which shall be certified by them or a majority of them, and recorded in the office of the township clerk of the township through which it shall run.

Damages.

Sec. 3. The owners of land through which said road may pass, shall be entitled to an appraisal and assessment of damages, and to compensation therefor in the same manner in every respect as if such road was laid out by highway commissioners of the township through which the same may run.

State not lia-
ble.

Sec. 4. The state shall in no way be liable for the expenses of laying out said road.

Appropriat'n

Sec. 5. For the purpose of opening and [improving] said road, two thousand acres of internal improvement lands in the lower peninsula of this state be and the same is hereby appropriated, to be expended between Duck Lake and Eaton Rapids.

Spec'l com'r

Sec. 6. For the purpose of carrying into effect the provisions of this act, the Governor of the State is hereby authorized to appoint a special commissioner to make a selection of the lands hereinbefore appropriated, and to report such selection to the Commissioner of the State Land Office, who shall thereupon reserve the same from sale, issuing

no certificate for any tract or parcel thereof, except upon the order of the said special commissioner.

Sec. 7. The said commissioner shall by virtue of his appointment have the control and management of the improvements in this act specified, and shall have power to let out by contract the opening and improving said road, in such parts or jobs as he may think best, to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work stipulated in the contract: *Provided*, That before such letting the said commissioner shall advertise for proposals for contracting said work; such advertisement to be published for three successive weeks, in a newspaper published in the county of Calhoun.

His powers
and duties.

Sec. 8. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and dispatch compatible with proper economy and the best interests of the public, and shall receive for his services a sum not exceeding one dollar and fifty cents per day, and such compensation shall be audited and allowed by the Auditor General, upon a presentation to him of a bill of such service sworn to be a true bill and account of the service performed by said commissioner, and that the same was necessary in the proper expenditure of said appropriation, and upon the auditing and allowing such bill, the Auditor General shall draw his warrant to said commissioner, payable in internal improvement lands for the amount so audited and allowed, at one dollar and twenty-five cents per acre, which warrant shall be received in the state land office in payment for any such lands as may be reserved by this act from sale, not otherwise appropriated.

Compensation
&c.

Sec. 9. Upon the completion of any job let in pursuance of this act, in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by said commissioner for the purposes contemplated by this act, said commissioner may draw his orders upon the Auditor General for warrants payable in internal improvement lands reserved in pursuance of this act, which said warrants shall be received in the state land office in payment for any such lands not before sold.

Payment of
contractors
&c.

Sec. 10. Said special commissioner, before entering upon the duties of his station, shall take and subscribe the constitutional oath of office,

Oath & bond

and file a bond with the Auditor General, with sureties, to be approved by him, conditioned for the faithful discharge of his duties as such commissioner.

Vacancy.

Sec. 11. In case of a vacancy in the office of said commissioner, by the death, resignation or refusal to act as such commissioner, before the said appropriation shall be expended, it shall be the duty of Governor to fill such vacancy, and the person appointed to fill such vacancy, shall, before entering upon the duties of his office, take the oath of office, file his bond and perform all the duties of the commissioner authorized and required by this act.

Sec. 12. Said commissioner shall not draw orders for more land than is appropriated and reserved in pursuance of this act.

Sec. 13. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 290.

AN ACT appropriating certain internal improvement lands for the improvement of the road from Mason, in the county of Ingham, to Dexter, in the county of Washtenaw.

Appropriat'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That three thousand acres of internal improvement lands be and the same are hereby appropriated for the improvement of the road from Mason, in the county of Ingham, to Dexter, in the county of Washtenaw; two thousand acres to be laid out on the road from Mason to Stockbridge, and one thousand acres on the road from Stockbridge to Dexter.

Spec'l comm'r.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner, before entering thereon.

His powers
and duties.

Sec. 3. The said special commissioner shall by virtue of his appointment, have the control and management of the improvement contemplated in this act, and shall have power to superintend the same in

person, or to let out by contract any job or jobs that may be necessary for the improvement of said road, (the amount of which jobs and improvements shall not exceed the amount of this appropriation,) to the lowest bidder or bidders, who shall execute and deliver to said commissioner a good and sufficient bond with sureties, to be approved by him and conditioned for the due and faithful performance of the work stipulated in the contract : *Provided*, That before such letting, the said commissioner shall advertise for proposals for said job or jobs, or any part of said improvement, describing the same ; such advertisement to be published three successive weeks in one newspaper published in the county of Ingham, and one in the county of Washtenaw.

Sec. 4. Whenever any contractor, under the provisions of this act, shall have finished his job, according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or if any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor for any such service by his order drawn on the Auditor General for warrants to be drawn on the Commissioner of the State Land Office, payable in any internal improvement lands belonging to this state not otherwise appropriated : *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any such lands at a less sum than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate than forty acres.

Payment of
contractors,
&c.

Sec. 5. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all diligence and dispatch compatible with proper economy and the best interests of the state, and shall file with the Auditor General an account of all services by him thus rendered, verified by his oath, and shall receive for his services a sum not exceeding one dollar and fifty cents per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable from said appropriation upon the warrant of the Auditor General, drawn upon the Commissioner of the Land Office.

Compensation
&c.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 291.

AN ACT providing for internal improvement in the county of Lenawee.

Appropriation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That five thousand acres of internal improvement lands be and they are hereby appropriated to the county of Lenawee, to be applied in the construction of roads and bridges, or in draining of swamps and marshes, or both ; and the specific objects and amounts shall be designated by the board of supervisors of said county.

Special com'r.

Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond, with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner, before entering thereon.

Powers and duties of com'r.

Sec. 3. The said special commissioner shall by virtue of his appointment, have the control and management of the improvements authorized by this act, and shall have power to superintend the same in person, or to let out by contract any job or jobs therefor, to the lowest bidder, who shall execute and deliver to the said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work according to the stipulations of said contract.

Shall advertise for proposals.

Sec. 4. It shall be the duty of said special commissioner, before letting any such job or jobs, to advertise for proposals stating the time and place of meeting for that purpose, which notice shall be given at least four weeks previous to the letting of said jobs, in a newspaper printed in the county where the labor is to be performed.

Payment of contractors.

Sec. 5. Whenever any contractor, under the preceding sections of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by the said special commissioner, or if any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor for any such services, by his order drawn on the Commissioner of the State Land Office, payable in lands only, which order shall be received at the said office in payment for

any unappropriated internal improvement lands belonging to the state :
Provided, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a less price than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate of sale than forty acres.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and dispatch compatible with proper economy and the best interests of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable from the said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Compensation of com'r his acc't &c.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 292.

AN ACT appropriating certain internal improvement lands for the construction of a Free Bridge across the Clinton River, in the village of Pontiac.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That one thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of building a free bridge across Clinton river, where the Detroit and Saginaw turnpike crosses said river, in the village of Pontiac, in the county of Oakland.

Appropriation.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of this state is hereby authorized to appoint a special commissioner, who shall, before entering upon the duties of his station, take and subscribe the constitutional oath of office, and file a bond with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Spe'l com'r.

Sec. 3. The said special commissioner shall, in virtue of his appointment, have the control and management of said work, and may superintend the outlay of said appropriation in person, and for that

Powers and duties of com'r.

purpose may employ laborers and purchase materials, or he may let out by contract the whole or any portion of said work to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond with sureties, to be approved by him, conditioned for the due and faithful performance of the work stipulated in the contract: *Provided*, That before such letting, the said commissioner shall advertise the same by an advertisement to be published for three successive weeks in the Pontiac Jacksonian.

Payment of contractors. Sec. 4. Upon the completion of any such job, and in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by said commissioner for the purpose contemplated by this act, such commissioner may draw his orders upon the Auditor General for warrants drawn against and payable in internal improvement lands, which said warrants shall be received in the state land office in payment for any such lands not withheld from sale or otherwise appropriated: *Provided*, That the aggregate orders so drawn by said commissioner, shall not exceed the amount of land hereinbefore appropriated, at one dollar and twenty-five cents per acre.

Compensation of spec' com'r &c. Sec. 5. Upon the completion of the duties hereinbefore assigned to said commissioner, he shall be entitled to receive for the time necessarily employed therein, a sum not exceeding one dollar and fifty cents per day, and such compensation shall be audited and allowed by the township board of the township of Pontiac, in said county, at any meeting of said board, upon presentation of the account of said commissioner duly verified by his oath, and shall be raised and paid as other township expenses are by the provisions of existing laws.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 293.

AN ACT to authorize the Board of Auditors of the county of Wayne to repair or rebuild the two draw-bridges over the river Rouge, the one in the township of Greenfield and the other in the township of Springwells, in said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of auditors of the

county of Wayne be, and they are hereby authorized to rebuild and repair the two draw-bridges in said county over the river Rouge, the one in the township of Greenfield and the other in the township of Springwells. B'd of Aud's of Wayne co may repair bridges.

Sec. 2. That one thousand six hundred acres of internal improvement lands upon the lower peninsula, be and the same are hereby appropriated for the purpose of repairing and rebuilding said bridges, and the said board of auditors may select said lands and report it to the Commissioner of the Land Office, who shall reserve it for the purposes above stated, and shall issue certificates therefor, in quantities not less than eighty acres, after the said bridges shall have been completed: *Provided*, The same are finished within one year from the passage of this act; the certificates not to be issued until the sheriff of the county of Wayne shall certify to the Commissioner of the Land Office that said bridges are repaired or rebuilt and complete, to the satisfaction of the board of auditors, or a select committee of said board, appointed by the same, for the express purpose to examine and accept the work from the contractors; and the amount of the certificates shall not exceed the costs of the work and materials for said bridges. Appropriat'n for such repair. Mode of expenditure &c.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 294.

AN ACT to provide for opening and improving the road leading from the south line of the township of Metamora to the Holland Colony, in the county of Tuscola, and for the building of a bridge across the Cass river, at or near Hurd's mill, so called.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That five thousand acres of internal improvement lands in the lower peninsula of this state be and are hereby appropriated for opening and improving the road leading from the south line of the township of Metamora to the Holland Colony, in the county of Tuscola, and for building a free bridge across the Cass river at or near Hurd's mill so called. Appropriat'n.

Sec. 2. For the purpose of carrying into effect the provisions of

Spec'l com'r. this act the Governor is hereby authorized to appoint a commissioner to make a selection of the land herein appropriated, and to report such selection to the Commissioner of the Land Office, who shall thereupon reserve the same from sale, issuing no certificate therefor except upon the order of said commissioner; said commissioner shall receive no compensation for making said selection.

Powers and duties of com'r.

Sec. 3. The said commissioner shall have the control and management of the improvements in this act specified, and shall have power to let out by contract the opening and improving said road, in such parts or jobs as he may think best, to the lowest bidder, who shall execute to said commissioner a bond to be approved by him for the faithful performance of his contract: *Provided,* That before such letting the said commissioner shall advertise for proposals for contracting said work, for at least three successive weeks in the newspapers published in the counties of Lapeer and Saginaw.

Compensation of com'r. his sec'y &c.

Sec. 4. Said special commissioner shall perform his said duties with proper dispatch and diligence, and shall receive for his services a sum not exceeding one dollar and fifty cents per day, and such compensation shall be audited and allowed by the Auditor General, upon a bill of such services sworn to be a true bill, and that all the services charged for therein were necessary and proper in the opinion of said commissioner. On allowing such bill the Auditor General shall issue his warrant to said commissioner payable in internal improvement lands for the amount so audited, at one dollar and twenty-five cents per acre, which warrant shall be received in the state land office in payment of any such lands as may be reserved by this act from sale.

Payment of contractors.

Sec. 5. Upon the completion of any job let in pursuance of this act, in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by said commissioner for the purposes contemplated by this act, said commissioner may draw his orders upon the Auditor General for warrants payable in internal improvement lands reserved in pursuance of this act, which said warrants shall be received at the state land office in payment for any such lands.

Oath & bond of com'r.

Sec. 6. Said commissioner before entering upon his said duties, shall take an oath faithfully to perform the same, and give a bond to be approved by the Auditor General, conditional for the faithful perform-

ance of all his said duties, which oath and bond shall be filed with the Auditor. In case of a vacancy in the office of said commissioner, the Governor may appoint a new commissioner, who shall take the same oath and give a like bond. Vacancy.

Sec. 7. Said commissioner shall not draw orders for any more land than is appropriated and reserved hereby.

Sec. 8. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 295.

AN ACT to aid in the construction of certain bridges in the county of Kent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That three thousand acres of internal improvement lands in the lower peninsula be and the same is hereby appropriated to aid in the construction and repairs of bridges in the county of Kent. Appropriat'n.

Sec. 2. Of the lands specified in the above section there shall be applied one thousand acres to aid in the construction of a bridge across Grand River in the township of Plainfield; one thousand acres to aid in finishing the bridge across Grand River in the township of Ada, and four hundred acres for repairing the bridge across the Thornapple river near its mouth in township of Ada, and six hundred acres to aid in the construction of a bridge across the Thornapple river on the Cascade road, so called, in said township. How distributed.

Sec. 3. For the purpose of building and repairing the said bridges by the outlay of the above appropriations, the Governor is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sufficient sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner. Spec'l com'r.

Sec. 4. The said special commissioner shall by virtue of his appointment have the control and management of the improvements contemplated by this act, and shall have power to let out by contract the working and improvement of said bridges to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond Powers and duties of com'r.

with sureties to be approved by him and conditioned for the faithful performance of the work stipulated in said contract: *Provided*, That before such letting of work the said commissioner shall advertise for proposals for opening and improving said bridges in separate sections or jobs, describing the same; such advertisement to be published at least four successive weeks in a newspaper published in Kent county.

Payment of
contractors
& others.

Sec. 5. Whenever any contractor, under the preceding section of this act shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor or contractors for any such services or work, by his order drawn on the Commissioner of the State Land Office, and which order shall be received at the land office in payment for any lands belonging to the state not otherwise appropriated: *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a price less than that now established by law, or in a less quantity in any one certificate than forty acres.

Compensa'n
of com'r, his
accounts &c.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch that shall be compatible with proper economy and the best interest of the state; and shall receive for his services a sum not exceeding two dollars per day for for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

RESOLUTIONS.

No. 1.

JOINT RESOLUTION relative to Postage.

Resolved, By the Senate and House of Representatives of the State of Michigan, That the post master at the capitol of Michigan be, and he is hereby authorized to charge the state of Michigan with all postage upon letters, papers or documents heretofore and hereafter received and to be received by the Senate and officers of the Senate and the House of Representatives and the officers during the present session thereof, and to charge to the state of Michigan the postage upon all papers and documents mailed by the members and officers of each branch of the legislature during the session thereof.

Certain postage of members to be charged to state.

This resolution shall be in force and take effect from and after its passage.

Approved January 13, 1848.

No. 2.

JOINT RESOLUTION relative to an arrangement with the Post Master of Michigan in regard to Postage.

Resolved, by the Senate and House of Representatives of the State of Michigan, That a committee of one from the Senate and two from the House of Representatives be appointed to make arrangements with the post master in this village in relation to postage of members and officers of the legislature during the present session, and that they report as soon as practicable.

Committee on postage.

Approved January 14, 1848.

RESOLUTIONS.

No. 3.

JOINT RESOLUTION directing the Secretary of State to furnish the members of each House, and the officers thereof one copy of the Revised Statutes, &c.

Duties of
sec of state.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he is hereby directed to furnish each member of the Senate and House of Representatives, and the officers of each House, one copy of the Revised Statutes of 1846, Session Laws of 1847, and the Journals and Documents of each House for the year 1847.

Approved January 14, 1848.

No. 4.

JOINT RESOLUTION relative to printing a Manual for the present Legislature.

Manual ord-
ered printed.

Resolved, by the Senate and House of Representatives of the State of Michigan, That a sufficient number of copies of the Legislative Manual be ordered printed for the use of the Legislature, embracing the same kind of information as those in use during the last session of the Legislature, together with a Register for the present session ; and that an extra number be printed, sufficient for the supply of one copy to each member of the next Legislature, and that such extra copies be deposited in the office of the Secretary of State.

Approved January 14, 1848.

No. 5.

JOINT RESOLUTION relative to a settlement of the claim of Henry B. Lathrop.

Settlement
of certain
claim.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and directed to make a just and equitable settlement of all claims existing between the State and Henry B. Lathrop, growing out of a transaction at the State Prison at Jackson, and certify their proceedings to the Auditor General ; and if the Board make an award in favor of said Lathrop, the Auditor General shall draw his warrant

RESOLUTIONS.

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upon the Treasurer, who shall pay the sum awarded out of any moneys in the Treasury not otherwise appropriated: *Provided*, Before the Board shall enter upon said examination or settlement, the said Henry B. Lathrop shall give to the State a good and sufficient bond secured to the satisfaction of said Board, that he, the said Lathrop, will abide by the determination and award of said Board, and in case they make an award against him, that he will pay the same or cause the same to be paid within ninety days after said Board have certified their proceedings to the Auditor General: *And provided also*, That all costs which have accrued upon any suits at law now pending and undetermined between the said Lathrop and the State in relation to the transactions aforesaid, shall be paid by the State, if the award of the said Board is in favor of said Lathrop; and in case said award is against said Lathrop, the said costs shall be paid by him.

Sec. 2. This resolution shall take effect and be in force from and after its passage.

Approved January 14, 1848.

No. 6.

JOINT RESOLUTION relative to a Carpet for the State Library.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be, and he is hereby authorized to purchase a suitable carpet for the state library.

Approved January 18, 1848.

No. 7.

JOINT RESOLUTION relative to the Printing of the Journals.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the "joint resolution in relation to printing, approved January 16, 1843," be and the same are (is) hereby amended by striking out therefrom all after the word "houses" in the fourth line, down to and including the word "thereof," in the ninth line. Joint resolution amended.

Resolved, That this joint resolution shall take effect from and after its passage.

Approved January 24, 1848.

RESOLUTIONS.

No. 8.

JOINT RESOLUTION relative to the permanent enrollment of the 1st Regiment of Michigan Volunteers into the service of the United States, under any act of Congress now in force or which may become a law during the present session of Congress.

Preamble.

Whereas, The President of the United States, in and by virtue of a certain act of Congress, made a requisition upon the Executive of this state for the enrollment of a regiment of volunteer infantry, of ten companies, to assist in prosecuting the existing war with Mexico ;

And whereas, The Executive, as commander-in-chief of the militia, and of the army and navy of this state, on the 18th day of October last, issued his general orders for the enlistment and enrollment of said regiment ;

And whereas, The officers of the said regiment and of the several companies having been appointed, commissioned and mustered, as well as the rank and file thereof into the service of the United States, and six companies being now en-route for the seat of war for the purposes aforesaid ; therefore, be it

Instruction
and request.

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators in the Congress of the United States be instructed, and our Representatives requested to use their influence with the President of the United States, for the purpose of having the 1st regiment of Michigan volunteers permanently enrolled and mustered into the service of the United States, under and by virtue of any act of Congress now in force, or which may become a law during the present session of Congress.

Resolved further, That the Secretary of State be requested to forward copies of this resolution to our Senators and Representatives in Congress, to the President of the United States and Secretary of War.

Approved January 25, 1848.

No. 9.

JOINT RESOLUTION relative to a settlement of the Claims of Benjamin Porter.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the claim of Benjamin Porter against the state

of Michigan for building the capitol, and all other claims of said Porter against the state be, and the same are hereby referred to the board of state auditors, who are authorized to examine into and make a final settlement of said claims upon just and equitable grounds, that is, if said board shall determine that there is due from the state to said Porter any sum or sums of money on said claims, the board shall certify the same to the Auditor General, who shall thereupon draw a warrant upon the State Treasurer for the amount certified, who is hereby authorized and directed to pay the same out of any moneys in the treasury not otherwise appropriated: *Provided*, Before the said board shall proceed to examine the claims of said Porter, he shall signify his assent to the action of the board in writing, signed by him, and shall also enter into a bond with two or more sufficient sureties, to be approved by the Attorney General, in the sum of five thousand dollars, conditioned that he, the said Porter, and his heirs will forever abide by the determination and award of the board of state auditors in the premises.

Claim referred to board of auditors.

Resolved, That it shall be the duty of the Attorney General to attend before the said board upon the hearing of said claim in behalf of the state.

Resolved, That these resolutions be in force from and after their passage.

Approved January 28. 1848.

No. 10.

JOINT RESOLUTION relative to furnishing certain Township officers with copies of laws.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he is hereby instructed to procure to be printed in pamphlet form, so much of the revised statutes and session laws as has reference to the duties of highway commissioners and overseers of highways. Also, in such form so much of said laws as has reference to the duties of school inspectors and school district officers, and forward to each of the county clerks a sufficient number of copies of each to supply each of said officers with one copy of the laws by which they are to be governed.

Duty of sec. of state.

RESOLUTIONS.

Resolved, That this joint resolution take effect from and after its passage.

Approved January 29, 1848.

No. 11.

JOINT RESOLUTION relative to a joint committee on the State Prison.

Committee
to examine
prison and
report.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the committee on the State Prison of the Senate, and the like committee of the House of Representatives, be a joint committee to examine into and report upon the recommendations made in the report of the inspectors and agent, and to visit, or cause to be visited, by one or more, not exceeding three of their number, the State Prison at Jackson, if they shall deem it necessary, and that they report with all convenient dispatch. That said committee shall be allowed their traveling expenses only, and that no other expenses shall be incurred.

This resolution shall take effect from and after its passage.

Approved February 3, 1848.

No. 12.

JOINT RESOLUTION relative to the Public Works of the State of Michigan.

Request.

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and they are hereby requested to endeavor to obtain from the general government a grant of alternate sections of land on the line of our unsold public works to aid in their construction, upon the basis of a bill that has heretofore passed the Senate of the United States.

Resolved, That the Governor of this state be and he hereby is requested to transmit a copy of said resolution to each of the Senators and Representatives in Congress from this state.

Sec. 2. This joint resolution shall take effect and be in force from and after its passage.

Approved February 3, 1848.

No. 13.

JOINT RESOLUTION to authorize the Board of State Auditors to settle certain claims.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized to audit and allow such sum or sums as shall be found justly due Samuel G. Sutherland and others, for expenses in removing the furniture of the Capitol and Library from Detroit to Michigan, and for all incidental expenses in fitting up cases for Library, making carpet, fitting up the Hall of the House and Senate Chamber, purchase of candles and other articles for the legislature, and after deducting the amount of any former appropriation for the above object certify the balance so found to be due, to the Auditor General, who shall draw his warrant for the same on the State Treasurer, payable out of the general fund. Claims referred.

Resolved, That this joint resolution shall take effect and be in force from and after its passage.

Approved February 5, 1848.

No. 14.

JOINT RESOLUTION relative to the settlement of a claim of Alexander Titchworth.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and required to make a settlement with Alexander Titchworth, on just and equitable terms, for any transactions between the said Alexander Titchworth and the State of Michigan, connected with the Central Rail Road, and in case they shall find any sum of money due to the said Alexander Titchworth, the Auditor General shall draw his warrant for the amount so awarded on the State Treasurer, who is hereby authorized to pay said sum out of any moneys in the treasury to the credit of the internal improvement fund not otherwise appropriated. Claims referred—how paid.

Resolved, That this joint resolution shall take effect and be in force from and after its passage.

Approved February 7, 1848.

RESOLUTIONS.

No. 15.

JOINT RESOLUTION relative to the distribution of the Laws.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he hereby is authorized and required to send or cause to be sent to the clerk of each and every organized township in the State of Michigan, a copy of the State Paper during such portion of each year as the laws of this State are published therein.

Approved February 7, 1848.

No. 16.

JOINT RESOLUTION relative to the establishing of a Mail Route from Detroit to Michigan.

Preamble.

Whereas, The Grand River road, so called, leading from Detroit to Michigan via. Farmington, Brighton and Howell, is the shortest and most direct route from Detroit to the capitol of the state ;

And whereas, A daily line of stages has been established on said route, and is now in successful operation ;

And whereas, There is no way for the intermediate points between Detroit and Michigan to communicate with the seat of Government, except by sending first to Detroit and thence around by Jackson, thus causing great delay ; therefore

Importance
of daily mail
route from
Detroit to
Michigan.

Resolved, by the Senate and House of Representatives of the State of Michigan, That we deem it to be of the utmost importance to the inhabitants of the counties of Oakland, Livingston, Ingham and vicinity, that a daily mail route be established on said road ; and further, that in our opinion the extra expenses of the post office department would at once be met by the increase of business growing out of the establishment of said mail route.

Resolved, That our Senators and Representatives in Congress be, and they are hereby requested to use all laudable means to procure the establishment of said route.

This resolution shall take effect and be in force from and after its passage.

Approved, February 8, 1848.

No. 17.

JOINT RESOLUTION authorizing the delivery of certain public documents to the county clerks of the several counties in this State.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he is hereby directed to deliver to the county clerks of the several counties of this State, upon proper application for the same, such copies of the American State papers on public lands, as have been furnished by the General Government for that purpose.

Sec. of state
to distribute
state papers.

Approved February 8, 1848.

No. 18.

JOINT RESOLUTION relative to the subdivision of section number sixteen in township eight south, of range fourteen west.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office, be and he is hereby authorized (if in his opinion the primary school fund will not be injured thereby,) to subdivide and set off all that part of the west half of the south-west quarter of section number sixteen in township eight south, of range fourteen west, lying south of the Chicago road, so called, containing twenty-six acres and seventy-five hundredths of an acre, and grant a new contract for the same to John Worst: *Provided*, that said John Worst shall first pay to the said commissioner the full amount due on said piece of land so set off, according to the provisions of a contract made with Noah Hatch on the twenty-sixth day of September, eighteen hundred and forty-three: *Provided, also*, the said Noah Hatch shall first surrender to the Commissioner of the Land Office, the certificate or contract heretofore issued or granted to him by the Commissioner of the Land Office, on the twenty-sixth day of September, eighteen hundred and forty-three, and shall pay to said Commissioner the full amount due on said contract for the balance of said west half of south-west quarter of section sixteen above described, and receive a new contract therefor according to law: *And provided further*, That said lands have not become forfeited by the operation of the existing laws of this State.

Duties of
com'r state
land office.

Approved February 11, 1848.

with sureties to be approved by him and conditioned for the faithful performance of the work stipulated in said contract: *Provided*, That before such letting of work the said commissioner shall advertise for proposals for opening and improving said bridges in separate sections or jobs, describing the same; such advertisement to be published at least four successive weeks in a newspaper published in Kent county.

Payment of
contractors
& others.

Sec. 5. Whenever any contractor, under the preceding section of this act shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor or contractors for any such services or work, by his order drawn on the Commissioner of the State Land Office, and which order shall be received at the land office in payment for any lands belonging to the state not otherwise appropriated: *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a price less than that now established by law, or in a less quantity in any one certificate than forty acres.

Compensa'n
of com'r, his
accounts &c.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch that shall be compatible with proper economy and the best interest of the state; and shall receive for his services a sum not exceeding two dollars per day for for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

RESOLUTIONS.

No. 1.

JOINT RESOLUTION relative to Postage.

Resolved, By the Senate and House of Representatives of the State of Michigan, That the post master at the capitol of Michigan be, and he is hereby authorized to charge the state of Michigan with all postage upon letters, papers or documents heretofore and hereafter received and to be received by the Senate and officers of the Senate and the House of Representatives and the officers during the present session thereof, and to charge to the state of Michigan the postage upon all papers and documents mailed by the members and officers of each branch of the legislature during the session thereof.

Certain postage of members to be charged to state.

This resolution shall be in force and take effect from and after its passage.

Approved January 13, 1848.

No. 2.

JOINT RESOLUTION relative to an arrangement with the Post Master of Michigan in regard to Postage.

Resolved, by the Senate and House of Representatives of the State of Michigan, That a committee of one from the Senate and two from the House of Representatives be appointed to make arrangements with the post master in this village in relation to postage of members and officers of the legislature during the present session, and that they report as soon as practicable.

Committee on postage.

Approved January 14, 1848.

RESOLUTIONS.

No. 3.

JOINT RESOLUTION directing the Secretary of State to furnish the members of each House, and the officers thereof one copy of the Revised Statutes, &c.

Duties of
sec of state.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he is hereby directed to furnish each member of the Senate and House of Representatives, and the officers of each House, one copy of the Revised Statutes of 1846, Session Laws of 1847, and the Journals and Documents of each House for the year 1847.

Approved January 14, 1848.

 No. 4.

JOINT RESOLUTION relative to printing a Manual for the present Legislature.

Manual ord-
ered printed.

Resolved, by the Senate and House of Representatives of the State of Michigan, That a sufficient number of copies of the Legislative Manual be ordered printed for the use of the Legislature, embracing the same kind of information as those in use during the last session of the Legislature, together with a Register for the present session ; and that an extra number be printed, sufficient for the supply of one copy to each member of the next Legislature, and that such extra copies be deposited in the office of the Secretary of State.

Approved January 14, 1848.

 No. 5.

JOINT RESOLUTION relative to a settlement of the claim of Henry B. Lathrop.

Settlement
of certain
claim.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and directed to make a just and equitable settlement of all claims existing between the State and Henry B. Lathrop, growing out of a transaction at the State Prison at Jackson, and certify their proceedings to the Auditor General ; and if the Board make an award in favor of said Lathrop, the Auditor General shall draw his warrant

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upon the Treasurer, who shall pay the sum awarded out of any moneys in the Treasury not otherwise appropriated: *Provided*, Before the Board shall enter upon said examination or settlement, the said Henry B. Lathrop shall give to the State a good and sufficient bond secured to the satisfaction of said Board, that he, the said Lathrop, will abide by the determination and award of said Board, and in case they make an award against him, that he will pay the same or cause the same to be paid within ninety days after said Board have certified their proceedings to the Auditor General: *And provided also*, That all costs which have accrued upon any suits at law now pending and undetermined between the said Lathrop and the State in relation to the transactions aforesaid, shall be paid by the State, if the award of the said Board is in favor of said Lathrop; and in case said award is against said Lathrop, the said costs shall be paid by him.

Sec. 2. This resolution shall take effect and be in force from and after its passage.

Approved January 14, 1848.

No. 6.

JOINT RESOLUTION relative to a Carpet for the State Library.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be, and he is hereby authorized to purchase a suitable carpet for the state library.

Approved January 18, 1848.

No. 7.

JOINT RESOLUTION relative to the Printing of the Journals.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the "joint resolution in relation to printing, approved January 16, 1843," be and the same are (is) hereby amended by striking out therefrom all after the word "houses" in the fourth line, down to and including the word "thereof," in the ninth line. Joint resolution amended.

Resolved, That this joint resolution shall take effect from and after its passage.

Approved January 24, 1848.

RESOLUTIONS.

... addition to the village of Rochester in
... high enough to turn the whole of the waters
... Creek into the feeder to the Clinton and Kalamazoo Ca-
... the same may be freely used for the said canal, and the
... is hereby authorized and required to pay said warrant out
... money in the internal improvement fund not otherwise appro-
... .

This joint resolution shall take effect and be in force from and after
its passage.

Approved March 9, 1848.

No. 27.

JOINT RESOLUTION relative to obtaining from the Congress of
the United States to, and for the use of St. Marie's Canal Company
the right of way of constructing a Canal at the Sault St. Marie
over and upon lands now held by the General Government as a
Military Reserve.

*Resolved, by the Senate and House of Representatives of the State
of Michigan,* That our Senators and Representatives in Congress be
and they are hereby requested to urge the immediate passage of a law
of Congress, ceding to the St. Marie Canal Company the right of way
over and upon the military reserve, or any lands belonging to the
United States, upon such terms as shall be just and reasonable.

Approved March 9, 1848.

No. 28.

JOINT RESOLUTION relative to the claim of Charles W. Chapel
and David M. Price, for damages against the State of Michigan.

Settlement
of certain
claims.

*Resolved, by the Senate and House of Representatives of the State
of Michigan,* That the Board of State Auditors be and they are here-
by directed and empowered at any time to examine into and settle and
determine any and all claims which Charles W. Chapel and David M.
Price now have or may hereafter have against the state of Michigan,
arising from or growing out of a lease, entered into on the eighteenth
day of November, eighteen hundred and forty-five, by and between

RESOLUTIONS.

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Oliver C. Comstock, Junior, then acting commissioner of internal improvement, under and by virtue of the second section of "an act to provide for the completion of that portion of the Clinton and Kalamazoo Canal between the villages of Rochester and Frederick," approved March 1st, 1843, and the said Charles W. Chapel and David M. Price for the use of certain surplus water of the said canal. That whenever the said board shall have examined and determined any such claim, if the said board shall find any sum due the said Chapel and Price, such sum shall be certified by the said board to the Auditor General, who is hereby directed to draw his warrant upon the Treasurer of the state for the same, who shall pay the same out of any moneys in the treasury belonging to the internal improvement fund not otherwise appropriated, and the said board are hereby invested with full and adequate powers to adjust and finally settle and determine the said claim and all other questions and claims growing out of said lease in any such way as shall in their opinion do justice to the above, or any other claimants, and be the cheapest and best for the interest of the state.

Resolved. That this resolution shall take effect from and after its passage.

Approved March 11, 1848.

No. 29.

JOINT RESOLUTION for the relief of William W. Harwood.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Auditor General be, and he is hereby authorized in his discretion, to issue and deliver to William W. Harwood an internal improvement warrant for thirty dollars, the same to be in lieu of one for that amount issued to said Harwood the 27th April, 1847, which has been stolen and is believed to be destroyed.

This resolution shall take effect and be in force from and after its passage.

Approved March 14, 1848.

RESOLUTIONS.

No. 30.

JOINT RESOLUTION authorizing a settlement with Nelson H. Bennit and Elijah Bennit.

Claim refer-
red—how
paid.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and empowered to make a final settlement upon just and equitable terms with Nelson H. Bennit and Elijah Bennit for certain lands deeded by them to the state in the year A. D. eighteen hundred and forty-six, for the use of the Southern rail road; and in case they shall award any sum to said N. H. and E. Bennit, said board are hereby authorized and required to certify the amount found to be due said Nelson H. Bennit and Elijah Bennit to the Auditor General, who shall draw his warrant on the internal improvement fund in favor of said N. H. and E. Bennit, for the amount so found due, and the State Treasurer is hereby authorized to pay said warrant out of any money in the internal improvement fund not otherwise appropriated.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 14, 1848.

No. 31.

JOINT RESOLUTION relative to an adjustment of the Claim of Diodate Hubbard.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the treasurer of the county of Wayne be and he is hereby authorized and required to examine and adjust the claim of Diodate Hubbard against the Detroit and Saginaw road, and to certify the amount, if any, which may be found to be due said Hubbard, to the superintendent of said road; and upon the receipt of said certificate, the superintendent be, and he is hereby authorized and required to pay the same out of any money now in his hands or which may hereafter come into his hands as tolls on said road.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 17, 1848.

No. 32.

JOINT RESOLUTION authorizing the appointment of an Assistant Librarian.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and is hereby authorized and required to appoint an Assistant Librarian, for whose acts he shall be responsible, and whose appointment he may revoke at pleasure ; such Assistant shall be under the direction and control of the Secretary of State, have the care and custody of the State Library, and shall perform such other duties in the office of said Secretary as that officer may from time to time deem necessary and proper. Said Assistant shall receive an annual salary of not more than five hundred dollars, payable quarterly on the certificate of the Secretary of State.

Resolved, That this joint resolution shall take effect and be in force from and after the close of the present session of the legislature.

Approved March 18, 1848.

No. 33.

JOINT RESOLUTION relative to the settlement of a Claim of Patrick Kilfoil.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be, and they are hereby authorized and required to make a settlement with Patrick Kilfoil on just and legal terms, and their decision thereon shall be final, for any claim that he may have against the state for damages arising out of a non-fulfilment of contract on the part of the state, to pay him the full amount due for work and labor done, and materials furnished on the central railroad during the years A. D. 1839, 1840 and 1841 ; and if said board shall find any amount due said Kilfoil, they are hereby authorized to certify the amount that may be found due, to the Auditor General, who shall draw his warrant on the State Treasurer for the amount so certified to be due, and the State Treasurer is hereby authorized to pay said sum out of any moneys in the treasury to the credit of the internal improvement fund not otherwise appropriated.

This joint resolution shall be in force from and after its passage.

Approved March 20, 1848.

RESOLUTIONS.

No. 34.

JOINT RESOLUTION relative to the claim of Joseph L. F. Langley.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and required to make a settlement on just and equitable terms, and their decision thereon shall be final, with Joseph L. F. Langley, for any claim he may have against the state for additional pay for services rendered as assistant weighmaster in the warehouse at the depot of the Central Rail Road in the city of Detroit, in the year eighteen hundred and forty-five, and in case they shall award any sum due the said claimant, they are hereby authorized and required to certify the amount found due him to the Auditor General, who is hereby directed and required to draw his warrant on the State Treasurer for the amount so awarded and certified, who is hereby authorized to pay said sum out of any moneys in the treasury, not otherwise appropriated.

Resolved, This joint resolution shall take effect and be in force from and after its passage.

Approved March 20, 1848.

No. 35.

JOINT RESOLUTION concerning the Saut de Ste. Marie.

Preamble.

Whereas, At a very great expense the state of Michigan has caused a scientific and geological survey and exploration to be made of that portion of said state which borders upon Lake Superior ;

And whereas, Said geographical survey, &c., especially so much of it as was conducted under the immediate supervision of the late Doct. Douglass Houghton, has demonstrated that those hitherto desolate regions contain, nevertheless, an immense and apparently immeasurably amount of mineral wealth, inviting immediate purchase, occupancy and improvement ;

And whereas, With the exception of a few small lots of ground at the Saut de Ste. Marie, (which from the first discovery of that great lake by Europeans, have been occupied by certain French settlers

and their descendants, or those who claim through and under them,) that whole country consists exclusively of public domain ;

And whereas, The rich mineral productions alluded to, the vast forests of valuable timber which surround that inland sea, and the exhaustless products of its fisheries, together with the long established fur trade of the boundless interior, which heretofore has passed from the direction of the Lake of the Woods, then the avenue of the great Lake, promise to constitute the elements of a future commerce, not only of inappreciable importance to Michigan, but from its extent and magnitude, of deep interest to the whole Union ;

And whereas, It is the opinion of this legislature, that if reasonable facilities were furnished for rendering these great natural advantages more fully available, the public lands bordering upon Lake Superior, would soon sell and become the residence of a numerous, intelligent and enterprising population ; and that if no unnecessary obstacles were permitted any longer to prevent it, an important commercial city, so necessary, even now, for the transaction and protection of that commerce, would soon grow up at the Saut de Ste. Marie and within the limits of Michigan ;

And whereas, During the negotiations which led to the treaty of Greenville, and before as well as after the western ports were delivered over to the United States, the Canadian settlers and occupants of the country, (those of the Saut de Ste Marie inclusive,) were assured by the accredited agents of the general government that their lands would be duly confirmed to them. [See Burnet's notes, &c., also Am. St. Papers, vol. 16, p. 260.] ;

And whereas, To that end, commissioners of the United States, both before and after the late war with Great Britain, have duly investigated such of the claims as were exhibited to them by the inhabitants of the Saut de Ste Marie, and confirmed or recommended for confirmation the greater part of them ; (see Am. St. Papers, Duff Green's edition, vol. 4, pages 700 and 701 ;) but for the more perfect establishment whereof, Congress have not authorized the granting of patents, wherefore no title nor assurance of title to any lots or real estate could be obtained, nor any investments be safely made in building, nor in any permanent improvement whatsoever ; at the outlet of the Lake on the American shore of the Straits, is the natural and only proper point

of concentration and deposit for all the commerce of those regions ; yet, for the reasons stated, the growth of the place, as a place of residence and as a commercial city, totally checked and frustrated, the commerce of the country greatly embarrassed, and all motives for purchasing the public lands, wheresoever around that Lake they may be, are greatly lessened, which, in the mean time, much of the indispensable business of the country is slowly forcing its way on to the British shore, where the people and authorities of Canada, more vigilant though less favorably located, and fully appreciating the value of the prize, seem striving, by every practical inducement to secure to themselves, both now and hereafter, the control of this rapidly increasing commerce, and all the advantages and wealth of which it will be productive ;

And whereas, In the opinion of this legislature, good faith toward the ancient settlers of the Saut de Ste Marie, (whose claims there in the aggregate comprise but a few hundred acres of land only,) true economy in the management and disposition of the public domain, but especially a just and fair policy in regard to this state, whose interest and prosperity, present and prospective, in this regard, are so deeply implicated, all indicate the expediency of the early and efficient action of Congress in the premises ; therefore,

Instruction
and request.

Be it resolved, by the Senate and House of Representatives of the State of Michigan, That this legislature hereby respectfully presents to the consideration of Congress the propriety of adopting immediate measures for quieting the titles of the settlers at the Saut de Ste Marie of the state of Michigan, especially of those whose claims have heretofore been favorably reported upon by commissioners of the United States, and for causing patents to issue therefor ; and with respect to so much of this ancient settlement as may not, in the opinion of Congress, be comprised within the limits of any such just and equitable claim, and as may not have been otherwise appropriated ; and with respect, also, to so much of the public domain as may be in the vicinity of the settlement, or along the straits of the Saut de Ste Marie, it is respectfully requested that the same be brought into market or otherwise disposed of at the earliest practicable time, in order that this portion at least of the public domain may be possessed by individual proprietors, and settled ; in order that the wants of commerce in this re-

gard at least, may be no longer withholden ; in order that citizens of this state may be enabled with safety to construct for themselves the residences for their protection and comfort, and such stores, warehouses and other structures as the business of those regions so loudly demands ; and finally in order that the general prosperity be no longer interrupted by a condition of things which withholds and inhibits the settlement and growth of one of the most important military and commercial points in the whole northwest.

And be it further resolved, That the Governor be requested to transmit a copy of this preamble and resolution to the Hon. the President of the Senate of the United States ; one copy thereof to the Hon. the Speaker of the House of Representatives of the United States, and that those officers be respectfully requested to lay the same before the Houses over which they respectively preside ; and that in like manner he be requested to transmit one copy to each of the Senators and Representatives in Congress from this state, who are respectfully requested, by all proper and appropriate means, to aid in the accomplishment of the objects herein indicated.

Gov. requested to transmit copy of preamble & resolution.

No. 36.

JOINT RESOLUTION relative to costs before the Board of State Auditors.

Resolved, by the Senate and House of Representatives of the State of Michigan, That in the investigation of claims heretofore referred or hereafter to be referred to the Board of State Auditors, all proper and reasonable costs incurred on the part of the State for fees to witnesses in procuring their attendance before the Board, or in taking their depositions, shall be audited and allowed by said Board, who shall certify to the Auditor General the amount allowed, if any, in the examination of each claim, specifying in said certificate the persons to whom such allowances are made, and the sum allowed to each person, for which the Auditor General shall draw his warrant upon the treasury.

Resolved, That the above resolution shall take effect from its passage.

Approved March 27, 1848.

RESOLUTIONS.

No. 37.

JOINT RESOLUTION proposing an Amendment to the Constitution relative to certain Public Officers.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the following amendment be, and the same is hereby proposed to be made to the constitution of this state, to wit: The legislature of this state for the year eighteen hundred and fifty shall provide by law for the election by the people of the following officers, viz: Judges of the supreme court, who shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter, Auditor General, State Treasurer, Secretary of State, Attorney General, Superintendent of Public Instruction and Prosecuting Attorneys; and the said judges are prohibited from receiving any fees of office or other compensation than their salaries for any civil duties performed by them; *And it is further hereby resolved,* That the above proposed amendment to the constitution be referred to the next legislature, and to that end the Secretary of State is hereby required to cause the same to be published for three months previous to the next general election for members of the legislature.

Approved March 27, 1848.

 No. 38.

JOINT RESOLUTION relative to the claim of the Attorney General.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized to examine and settle the claim of the Attorney General, under the third section of the act entitled "an act to amend the revised statutes of eighteen hundred and forty six," approved March 17, 1847; that said board shall certify to the Auditor General the amount, if any, found justly due upon such examination, and that the Auditor General shall draw his warrant upon the treasury in favor of the Attorney General, for the amount so certified to him: *Provided,* That the allowance to the Attorney General, including the salary allowed him by law, shall not exceed the rate of eight hundred dollars per annum.

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Resolved, That the above resolution shall take effect from and after its passage.

Approved March 29, 1848.

No. 39.

JOINT RESOLUTION relative to the claim of John Keane.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized to settle the claim of John Keane for a horse lost in the service of the State while removing the library and furniture from Detroit to the town of Michigan, in December, 1847. And if upon examination of such claim they find any sum to be legally or justly due to said Keane on account of the loss of said horse as aforesaid, they shall certify the same to the Auditor General, who shall draw his warrant for the same on the State Treasurer, payable out of the general fund.

This joint resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 40.

JOINT RESOLUTION relative to the claim of Charles L. Bird and Joseph A. Kent.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and required to make a final settlement with Charles L. Bird and Joseph A. Kent, on just and legal terms, for any damages they may have sustained by reason of a certain suit brought against them while in the service of the state on the Central Rail Road, and in case said Board shall allow any sum to said Bird and Kent, the Auditor General shall draw his warrant for said sum on the internal improvement fund, and the State Treasurer is hereby authorized and required to pay said warrant out of any money in the internal improvement fund not otherwise appropriated.

This joint resolution shall take effect and be in force from and after its passage.

Approved April 3, 1844.

No. 41.

JOINT RESOLUTION in relation to certain lots in the town of Michigan.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be, and he is hereby authorized and required to receive and accept on behalf of the state a certain warrantee deed, executed to the state of Michigan by William H. Townsend and Sarah A. Townsend, bearing date the seventeenth day of December, A. D. eighteen hundred and forty-seven, conveying certain lots in the town of Michigan, which said conveyance is offered to the state in fulfilment of the condition of a certain bond in the penal sum of ten thousand dollars, executed to the state of Michigan by William H., Robert and Isaac Townsend, bearing date the twenty-ninth day of April, A. D. eighteen hundred and forty-seven. And that said Commissioner be, and he is further authorized and required to deliver to said William H., Robert and Isaac Townsend, or their agent, the said bond to be cancelled. And that said Commissioner be and he is further authorized and required to procure the recording of the said deed forthwith in the office of the register of deeds of the county of Ingham: *Provided*, the said Commissioner shall not accept said deed or deliver said bond aforesaid, unless the title to the said lots conveyed by said deed shall be found by said Commissioner to be the said William H. Townsend of record at the time of the passage of this resolution.

Resolved, That the said Commissioner be and he is hereby authorized on behalf of the state to re-lease to William H. Townsend or his assignees the right to flow the whole or any portion of blocks numbers one hundred and ninety-four, two hundred and sixteen and two hundred and twenty-five, in the town of Michigan, upon such terms and for such compensation as to said Commissioner may seem just and equitable.

Com'r of
land office
authorized
to receive
certain war-
rant.

Com'r autho-
rized to re-
lease certain
lands.

This resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 42.

JOINT RESOLUTION authorizing a special meeting of the Board of Auditors.

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors, constituted for the investigation of claims growing out of the sale of university and other lands, be and they are hereby authorized and requested to hold a special session at the office of the Commissioner of the State Land Office in the village of Marshall, on the twentieth day of April next, for the hearing of all such claims as may be presented, at that time and place, and to determine upon the same as provided in a joint resolution approved March 5th, 1847.

This joint resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 43.

JOINT RESOLUTION relative to certain lands.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the lands which shall be received from William H. Townsend in fulfilment of a certain bond given by the said William H. Townsend, Isaac Townsend and Robert Townsend, bearing date April 29, 1847, and also the blocks numbered 99, 100, 101, 110, 111 and 112, in the town of Michigan, agreeably to the recorded plat of said town, shall be designated State Building Lands, and shall be disposed of agreeably to the provisions of the laws regulating the sale and disposition of the State Building Lands.

This resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

RESOLUTIONS.

No. 44.

JOINT RESOLUTION relative to the claim of Whitney Jones.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and required to make a just and equitable settlement with Whitney Jones, which shall be final, for timber cut on his land by James L. Glen, commissioner of the state buildings for the use of the state, and in case they shall find any sum due said Jones, said board shall certify the same to the Auditor General, who is hereby authorized and required to draw his warrant on the State Treasurer for the sum so found due, and the State Treasurer is hereby required to pay said warrant out of any money in the general fund not otherwise appropriated.

Resolved, That this joint resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 45.

JOINT RESOLUTION relative to the Detroit and Pontiac Rail Road.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Attorney General be and he hereby is authorized and required, by and under the direction, and by and with the advice and consent of the Governor, Auditor General and State Treasurer, or a majority of them, to receive and act upon proposals to be submitted by Alfred Williams and any person associated with him, for the final adjustment of the claim of the state against the Detroit and Pontiac Rail Road, and upon receiving, within six months from the passage of this joint resolution, such sum of money as they shall deem for the said interests of the state; and upon the payment of the same into the state treasury, the said Attorney General is hereby authorized, under the direction of the Governor, to execute an assignment or release of the mortgage lien of the state upon said rail road, and deliver the same to the said Alfred Williams and his associates, and thereupon to discontinue all further proceedings at law or in equity for the enforce-

ment of said mortgage lien: *Provided*, That nothing in this joint resolution contained shall be construed as in any way impairing the said mortgage lien, or as affecting any proceedings had or pending for the enforcement of said mortgage lien until the same shall be discontinued of record in manner aforesaid.

Resolved, That this joint resolution take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 46.

JOINT RESOLUTION relative to Statistical Information of the
Insane, Deaf, Dumb and Blind.

Resolved; by the Senate and House of Representatives of the State of Michigan, That it shall be the duty of the Assessors of each township and ward in the state at the time of making out their assessment rolls, to ascertain and set down in tables prepared for that purpose, a list of the names of all insane, deaf, dumb and blind persons in said township and ward under separate heading—the patients age, general health, habits and occupation—kind, degree and duration of such affliction—sex, whether married or single—whether under medical treatment—pecuniary ability of patient and relatives liable for his or her support, and such further information relative to this unfortunate class of our citizens as may be deemed useful—they shall cause said list together with all the facts brought down to the first of October to be delivered to the supervisors of their respective township or wards, whose duty it shall be to cause the same to be delivered to the county clerk at the annual meeting of the board of supervisors, to be laid before them in each year, which board shall carefully condense the facts exhibited and transmit the same to the Secretary of State on or before the first day of November in each year, and the Secretary of State is hereby required to make a report of the same to the next legislature at the commencement of the session.

This resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

RESOLUTIONS.

No. 47.

JOINT RESOLUTION relative to the claim of Edward G. Adderly.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized to examine the claim of Edward G. Adderly, and to allow to said Adderly any sum which shall appear to be justly due to said claimant : *Provided,* The said claimant shall on or before the submission of his claims to said board, make and execute a bond with one or more sureties to the satisfaction of the Attorney General to abide the determination of said board.

Resolved, That the Attorney General be and he is hereby requested to appear in behalf of the state before the said Board of Auditors during the investigation of the aforesaid claim.

Resolved, That this joint resolution take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 48.

JOINT RESOLUTION authorizing the Auditor General to draw a certain warrant.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he is hereby authorized to cancel a certain warrant drawn by E. P. Hastings, Auditor General, dated December 15, 1841, for the sum of fifty-eight and 92-100 dollars, and numbered 3084, payable to the order of John Freeman, assignee of John Monroe, on its delivery to him, and issue a new warrant for a like amount, payable to said John Freeman, assignee of John Monroe, or bearer ; said new warrant to be delivered to Marshall Parker, on his producing evidence to the satisfaction of said Auditor General that he is the owner of said warrant, and to bear interest at the rate of six per cent., said interest to be computed from the fourth day of March, A. D. 1848.

This joint resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No 49.

JOINT RESOLUTION relative to the distribution of the Session Laws, Journals and Documents.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the officers and members of the present legislature and Assistant Librarian be and they are hereby entitled each, to one copy of the session laws passed in the year eighteen hundred and forty-eight, also the journals and documents of the same year, and the Secretary of State be and he is hereby required to forward one copy of each to the several officers and members of this legislature, by forwarding the same to the county clerks of the several counties of this state in which the officers or members reside, so soon as they may be printed, bound and ready for delivery.

Approved April 3, 1848.

No. 50.

JOINT RESOLUTION relative to the claim of Joab Page.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and required to make a just and equitable settlement with Joab Page, for any timber or saw logs cut on his land by the order of the Hon. James L. Glen, commissioner of the state buildings for the use of the state, and in case said board shall find any sum due said Page they shall certify the same to the Auditor General, who shall draw his warrant for the same on the State Treasurer, who is authorized and required to pay said warrant out of any money in the general fund not otherwise appropriated.

This joint resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

RESOLUTIONS.

No. 51.

JOINT RESOLUTION relative to the settlement of the claim of William Mabury.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and are hereby authorized to make a settlement with William Mabury on legal and equitable terms, and their decision thereon shall be final for any claim he may have against the state for services rendered in the building of the State Prison, and if they shall find any amount due said claimant they are hereby authorized to certify the amount they may find due him, to the Auditor General, who is hereby authorized and directed upon the presentation to him of said claimant's certificate to draw his warrant on the State Treasurer for the same.

This joint resolution shall be in force and take effect from and after its passage.

Approved April 3. 1848.

No. 52.

JOINT RESOLUTION relative to the claim of Sheldon Mathews.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized to make a final settlement upon equitable or legal terms of the claim of Sheldon Mathews, or with Charles T. Gorham as the party in interest in said claim against the state of Michigan for sawing wood at the Kalamazoo station of the Central Rail Road as per certificate of H. I. Goodale, weighmaster, dated February 17, 1846. And if the said Board shall find any sum justly due from the state on said claim and upon the assignment of the interest of the said Mathews in said claim to Charles T. Gorham being shown to the satisfaction of said Board, they shall certify the amount so found to be due to the said Gorham as such assignee, to the Auditor General, who shall draw his warrant upon the State Treasurer payable out of the general fund. And the State Treasurer is hereby authorized to pay the same out of any money to the credit of the general fund not otherwise appropriated.

This resolution shall take effect from and after its passage.

Approved April 3, 1848.

RESOLUTIONS.

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No. 53.

JOINT RESOLUTION relative to State Prison Building.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the agent and inspectors of the State Prison be and they are hereby authorized to erect and build, or cause to be erected or built and completed, the centre or main building of said Prison as now commenced : *Provided,* That the amount of money drawn from the State Treasury for the support of said Prison and for the erection of said building shall not exceed the sum of eleven thousand five hundred dollars : *And provided further,* That so much of the above appropriation as may be necessary shall be first applied in constructing or adding cells so as effectually to carry out the provisions of law relative to solitary confinement.

Resolved, That the joint resolution relative to building expenses at the State Prison, approved March 16, 1847, be and the same is hereby repealed.

These joint resolutions shall take effect and be in force from and after their passage.

Approved April 3, 1848.

APPENDIX.

Annual Report of the State Treasurer.

STATE TREASURER'S OFFICE, }
Detroit, December 1st, 1847. }

To the Legislature of the State of Michigan:

Herewith is submitted statements taken from the books of our office showing the amount paid into the treasury to the credit of the several "funds," and the amount drawn from them during the past fiscal year, ending November 30th, 1847.

The balance on hand at the close of the year is \$64,470,38, of this amount \$4,731,17 is deposited in the Phoenix Bank, New York, to the balance of interest due for 1846 & 1847, on that portion of Michigan state stock, issued on account of the "five million loan," which has been acknowledged and adjusted, leaving a balance of \$59,739,16 remaining on hand.

The Auditor General reports \$2,165,88 of outstanding warrants drawn on the general fund. All demands upon this fund have been promptly paid during the past year, with the single exception of the interest on a portion of the general fund state stock held by one of the departments of the General Government, which was not paid, as the state claims damages for interruption of work on the Saut St. Mary's Canal, by the General Government, which is unadjusted. Attention is called to this subject in the report of the Auditor General.

Public notice was given through the state paper on the 9th day of July last, to the holders of treasury notes, (state scrip,) bearing interest, that funds were on hand for their redemption, on presentation at

the state treasury, and that interest would cease from the date of the notice, in accordance with the provision of "act No. 65, 1841," under which they were issued. There has been cancelled and burnt during the past year, \$23,274,00 of state scrip, leaving a balance of \$1,726 unredeemed and outstanding.

Under the 7th section of the act incorporating the Michigan Central Rail Road Company, they were permitted to deposite in certain cases with the State Treasurer, money which had been adjudicated for "right of way." They have paid into the treasury \$1,699,02, for which they hold my receipt as State Treasurer. This amount is not charged to this office on the books of the Auditor General, neither are the receipts countersigned by that officer, as is done in every other case of moneys received into the treasury, and which has always been by our laws deemed so essential as a proper check upon the receiving officer, as there is no law authorizing or requiring him to do so. As a portion of this money may remain for many years in the treasury unclaimed, on account of minor heirs or defective or disputed title, I would respectfully suggest that provision by law be made for its safe keeping and proper disposal.

Heretofore the interest due semi-annually on the 1st day of January and July on the "university state stock" was paid in May for the whole year. The university fund not being prepared to meet the January interest when it became due, as its annual collections of interest were not made and paid into the treasury until March and April following, by anticipating, (which I shall do,) the amount payable on the 1st of February from the Michigan Central and Southern Rail Road Companies, as a specific state-tax, a portion of which is set apart for this purpose by law, an amount sufficient will be sent forward in time to pay the interest on this stock due January 1st, 1848.

GEO. B. COOPER,
State Treasurer.

APPENDIX.

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Treasurer of Michigan in account with State of Michigan.

DR.			CR.		
To bal. in treasury			By am't p'd on acc't		
Nov. 30, 1846,	\$78,561	00	of conting't fund,	\$661	57
Receipts on acc't of			Do general fund,	175,361	82
general fund,	185,134	46	Do int. impt. do	523,397	88
Do in. impt. fund,	493,449	01	Do primary school		
Do primary sch'l do	37,826	98	int. fund,	31,274	74
Do do int. do	23,419	70	Do state building		
Do state building do	1,600	74	fund,	7,822	24
Do university do	13,221	99	Do univer. int. fu'd,	17,907	25
Do do in't do	10,955	95	Treas'y notes bur'd,	23,274	00
			Balance in treasury,	64,470	38
	<u>\$844,169</u>	<u>83</u>		<u>\$844,169</u>	<u>83</u>

LEDGER BALANCES ON STATE TREASURER'S BOOKS, Nov. 30, 1847.

Cash,	\$64,470	38	University fund,	\$76,871	99
University int. fu'd	1,820	23	State building fund,	4,668	98
Primary sch'l int. do	4,873	55	Treasury notes,	1,726	00
Int. imp't fund	240,296	53	Primary school fund,	129,880	61
			General fund,	94,719	38
			Contingent fund,	1,193	71
	<u>\$311,560</u>	<u>67</u>		<u>\$311,560</u>	<u>67</u>

CONTINGENT FUND.

To war'nts paid du-			By balance Nov. 30,		
ring fiscal year,	\$661	57	1846,	\$1,855	28
Balance,	1,193	71			
	<u>\$1,855</u>	<u>28</u>		<u>\$1,855</u>	<u>28</u>

GENERAL FUND.

To warrants paid			By bala'e Nov. 30,		
during fiscal y'r,	\$175,361	82	1846,	\$84,946	74
Balance,	94,719	38	By receipts during		
			fiscal year,	185,134	46
	<u>270,081</u>	<u>20</u>		<u>\$270,081</u>	<u>20</u>

APPENDIX.

PRIMARY SCHOOL FUND.

DR.				CR.
To balance,	\$129,880 61	By balance Nov. 30, 1846,		\$92,053 63
		By receipts during fiscal year,	37,826 98	
	<u>\$129,880 61</u>			<u>\$129,880 61</u>

PRIMARY SCHOOL INTEREST FUND.

To warrants paid during fiscal y'r,	\$31,274 74	By balance Nov. 30, 1846,	\$2,981 49
		By receipts during fiscal year,	23,419 70
		By balance,	4,873 55
	<u>\$31,274 74</u>		<u>\$31,274 74</u>

STATE BUILDING FUND.

To warrants paid during fiscal y'r,	\$7,822 24	By balance Nov. 30, 1846,	\$10,890 48
To balance,	4,668 98	By receipts during fiscal year,	1,600 74
	<u>\$12,491 22</u>		<u>\$12,491 22</u>

TREASURY NOTES.

To amount burned during fiscal y'r,	\$23,274 00	By balance Nov. 30, 1846,	\$25,000 00
To balance,	1,726 00		
	<u>\$25,000 00</u>		<u>\$25,000 00</u>

UNIVERSITY FUND.

To balance,	\$79,371 99	By balance Nov. 30, 1846,	\$66,150 00
		By receipts during fiscal year,	13,221 99
	<u>\$79,371 99</u>		<u>\$79,371 99</u>

APPENDIX.

PRIMARY SCHOOL FUND.

DR.			CR.	
To balance,	\$129,880 61	By balance Nov. 30, 1846,	\$92,053 63	
		By receipts during fiscal year,	37,826 98	
	<u>\$129,880 61</u>		<u>\$129,880 61</u>	

PRIMARY SCHOOL INTEREST FUND.

To warrants paid during fiscal y'r,	\$31,274 74	By balance Nov. 30, 1846,	\$2,981 49	
		By receipts during fiscal year,	23,419 70	
		By balance,	4,873 55	
	<u>\$31,274 74</u>		<u>\$31,274 74</u>	

STATE BUILDING FUND.

To warrants paid during fiscal y'r,	\$7,822 24	By balance Nov. 30, 1846,	\$10,890 48	
To balance,	4,668 98	By receipts during fiscal year,	1,600 74	
	<u>\$12,491 22</u>		<u>\$12,491 22</u>	

TREASURY NOTES.

To amount burned during fiscal y'r,	\$23,274 00	By balance Nov. 30, 1846,	\$25,000 00	
To balance,	1,726 00			
	<u>\$25,000 00</u>		<u>\$25,000 00</u>	

UNIVERSITY FUND.

To balance,	\$79,371 99	By balance Nov. 30, 1846,	\$66,150 00	
		By receipts during fiscal year,	13,221 99	
	<u>\$79,371 99</u>		<u>\$79,371 99</u>	

APPENDIX.

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DR.		UNIVERSITY INTEREST FUND.	CR.
To warrants paid during fiscal year,	• 17,907 25	By balance Nov. 30, 1846,	5,031 04
		" receipts during fiscal year,	10,955 95
		" balance,	1,920 26
	<u>\$17,907 25</u>		<u>\$17,907 25</u>

DR.		INTERNAL IMPROVEMENT FUND.	CR.
To balance Nov. 30, 1846,	210,347 66	By receipts during fiscal year	498,275 51
" warrants paid during fiscal year,	523,397 88	" transfer from sinking fund,	173 50
		" balance,	240,296 53
	<u>\$733,745 54</u>		<u>\$733,745 54</u>

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ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,

PASSED AT THE ANNUAL SESSION OF 1849,

WITH AN

APPENDIX,

CONTAINING THE

State Treasurer's Annual Report, &c.

BY AUTHORITY.

LANSING:

BY MUNGER & PATTON, PRINTERS TO THE STATE.

1849.

NAMES.

OF THE GOVERNOR, LIEUT. GOVERNOR, SENATORS AND REPRESENTATIVES IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

EPAPHRODITUS RANSOM, GOVERNOR.

SENATE.

WILLIAM M. FENTON,
LIEUTENANT GOVERNOR, AND PRESIDENT OF THE SENATE.

DISTRICT.	SENATORS.	COUNTY.
First District,	Georg. R. Griswold,	Wayne.
“ “	Charles A. Loomis,	St. Clair.
“ “	Titus Dort,	Wayne.
“ “	Jacob Summers,	Macomb.
Second District,	William Finley,	Washtenaw.
“ “	Nelson G. Isbell,	Livingston.
“ “	Michael Shoemaker,	Jackson.
“ “	Dwight Webb,	Washtenaw.
Third District,	Levi Baxter,	Hillsdale.
“ “	Enos G. Berry,	Branch.
“ “	Nelson Dunham,	Monroe.
“ “	F. S. Snow,	Lenawee.
Fourth District,	John McKinney,	Van Buren.
“ “	Alexander H. Redfield,	Cass.
Fifth District,	Campbell Waldo,	Calhoun.
“ “	David S. Walbridge,	Kalamazoo.
Sixth District,	Alvin N. Hart,	Lapeer.
“ “	Jonathan P. King,	Mackinac.
“ “	James McCabe,	Oakland.
“ “	Edward H. Thomson,	Genesee.
Seventh District,	Rix Robinson,	Kent.
“ “	Adam L. Roof,	Ionia.

HOUSE OF REPRESENTATIVES.

LEANDER CHAPMAN, OF JACKSON COUNTY, SPEAKER.

NAMES.	COUNTY.	NAMES.	COUNTY.
Morris S. Allen,	Clinton.	Elijah Hawley, Jr.,	Wayne.
John Andrews,	Van Buren.	Norton P. Hobert,	Calhoun.
Cyrus Bacon,	Cass.	Alfred Holmes,	Saginaw.
Friend Belding,	Oakland.	John N. Ingersoll,	Chippewa.
John Bowne,	Barry.	Joseph H. Kilborn,	Ingham.
Phillip H. Buck,	St. Joseph.	Major F. Lockwood,	Oakland.
Andrew L. Burk,	Berrien.	Cyrus Lovell,	Ionia.
Chauncey G. Cady	Macomb.	Levi C. Matthews,	St. Joseph.
Bradford Campbell	Livingston.	William McNair,	Lenawee.
Henry Chamberlain	Berrien.	John L. McNeil,	Genesee.
Wm. F. Chittenden	Wayne.	Orlando Moffat,	Calhoun.
George A. Coe,	Branch.	Charles Moran,	Wayne.
Russel Coman,	Hillsdale.	Edward G. Morton,	Monroe.
Horace H. Comstock	Allegan.	Jabez S. Mosher,	Lenawee.
Oliver C. Comstock.	Branch.	Samuel Mulhollen,	Monroe.
Israel Curtis,	Macomb.	* Herman C. Noble,	Shiawassee.
Orin David,	Wayne.	C. M. O'Malley,	Mackinac.
Robert W. Davis,	Oakland.	N. C. Parkhurst,	Oakland.
Daniel Dayton,	Genesee.	Henry Pennoyer,	Ottawa.
Daniel H. Deming,	Lenawee.	Nathan Salyer,	Washtenaw.
Barney Earl,	Kalamazoo.	Henry C. Smith,	Kent.
Fenner Ferguson,	Calhoun.	W. M. St. Clair,	St. Clair.
Benjamin F. Fox,	Jackson.	Amos Stevens,	Wayne.
James Flower,	Macomb.	Jesse Stoddard,	Hillsdale.
Marsh Giddings,	Kalamazoo.	Julius Tilden,	Monroe.
Amasa Gillet,	Washtenaw.	George B. Turner,	Cass.
Martin S. Gillett,	St. Clair.	John W. Turner,	Lenawee.
Salmon L. Haight,	Washtenaw.	James Turrill,	Lapeer.
William Hammond,	Eaton.	Warren Tuttle,	Wayne.
Seeler Harger,	Oakland.	Benjamin W. Waitc	Washtenaw.
Joseph L. Hartsuff,	Livingston.	D. S. Wilkinson,	Lenawee.
Barnabas C. Hatch,	Jackson.	David A. Wright,	Oakland.

* Died, at Lansing, January 7, 1849.

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2.	An act to provide for the payment of the officers and members of the legislature, approved January 12,	2
3.	An act to extend the time for the collection of certain taxes in the township of Plainfield, in the county of Kent, approved January 12,	2
4.	An act to extend the time for the collection of taxes in the township of Bellevue, in the county of Eaton, approved January 16,	2
5.	An act to amend an act entitled an act to amend an act to provide for the recording of town plats, and for vacating the same in certain cases, approved April 19, eighteen hundred and thirty-nine, approved January 17,	4
6.	An act to amend section seven of chapter eleven, title two, of the revised statutes of 1846, approved January 17,	5
7.	An act to change the name of Henry Mann, approved January 18,	5
8.	An act to authorize the justices of the supreme court to fix and appoint the times of holding the several circuit courts within their several circuits, approved January 20.	6
9.	An act to amend an act entitled an act to provide for laying out and establishing a state road from Albion to Eaton Rapids, and to make an appropriation for opening and improving the same, approved January 24,	6
10.	An act to amend an act entitled an act authorizing any persons to construct lines of electric telegraph in the state of Michigan, approved January 24,	7
11.	An act to amend an act entitled an "act to authorize the supervisors of the county of Kent to construct a canal and locks around the rapids of Grand river, at Grand Rapids," approved February 20, 1847, and the acts amendatory thereto, approved January 29, 1848, and March 28, 1848. approved January 25, 1849,	7
12.	An act to amend section two of chapter seventy-eight of the revised statutes of one thousand eight hundred and forty-six, approved January 26,	

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13.	An act to extend the time for the collection of taxes in the township of Spring Arbor, in the county of Jackson, approved January 26,	9
14.	An act to extend the time for the collection of taxes in the city of Detroit for the year eighteen hundred and forty-eight, approved January 26,	10
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LAWS OF MICHIGAN.

[No. 1.]

AN ACT to extend the time for the collection of taxes in the Township of Jackson, in the County of Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time for the collection of taxes in the township of Jackson, in the county of Jackson, for the year eighteen hundred and forty-eight, is hereby extended to the fifteenth day of March next. Time for collection of taxes extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return at any time on or before the fifteenth day of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid, until the said fifteenth day of March next. Duty of town treasurer.

Sec. 3. It shall be the duty of the said treasurer before he shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of his warrant as is now provided by law and to renew his official bond to the satisfaction of the treasurer of the county of Jackson. Ibid.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and forty-eight, duly returned to the auditor general for non-payment. Transcript of unpaid taxes to be returned to auditor gen'l

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 12, 1849.

LAWS OF MICHIGAN.

[No. 2.]

AN ACT to provide for the payment of the Officers and Members of the Legislature.

Compensa-
tion of mem-
bers & spea-
ker.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the compensation of members of the senate and house of representatives shall be three dollars per day each, and that of the speaker of the house, his per diem allowance inclusive, six dollars per day; and the mileage of said members shall be computed at the rate of three dollars for every twenty miles to and from the capital upon the usual traveled route.

Pay of clerks
&c.

Sec. 2. The secretary of the senate, and clerks and sergeant-at-arms of either house, shall be allowed three dollars per day; the firemen of either house shall be allowed one dollar and fifty cents per day, and the messengers of either house one dollar per day, during the session of the house to which they respectively belong.

How certi-
fied.

Sec. 3. Such sums as may be due to the president, or president *pro tempore* of the senate, shall be certified by the secretary of the senate, and to the speaker of the house by the clerk thereof; and such sums as may be due to the several members and other officers of either house, under the preceding sections, shall be certified to by the presiding officer of the respective houses.

How paid,

Sec. 4. Upon presentation of any such certificate at the state treasury, countersigned by the auditor general, the state treasurer is hereby authorized and directed to pay the same out of any money in the treasury, to the credit of the general fund, not otherwise appropriated.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 12, 1849.

[No. 3.]

AN ACT to extend the time for the collection of certain taxes in the township of Plainfield, in the county of Kent.

Supervisor
to make new
assessment
roll for 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supervisor of the township of Plainfield, in the county of Kent, be and he is hereby authorized and empowered to make out a new assessment roll and tax

for taxes of the year eighteen hundred and forty-eight, in said township, on or before the first day of February next.

Sec. 2. The township treasurer shall be notified by the supervisor within six days thereafter that said tax list is ready, and of the amount of state and county tax assessed therein, and upon his giving bonds as required by law in other cases for the collection and return of taxes, the supervisor shall deliver to said treasurer the assessment roll and tax list with a warrant commanding him to collect, account for and pay over the taxes in said list, as is provided by law, except as to time, which shall be on or before the fifteenth day of March next.

Duties of supervisor and township treasurer.

Sec. 3. A transcript of the unpaid taxes returned to the county treasurer by the treasurer of said township of Plainfield, may be forwarded to the auditor general at any time on or before the first day of April next; and the same shall be collected and interest computed, as is provided by law for other delinquent taxes of eighteen hundred and forty-eight.

Transcript of unpaid taxes to be returned to auditor general.

Sec. 4. The treasurer of said township of Plainfield, upon the receipt of the tax list and warrant provided for in this act, shall give credit for all taxes which he shall have received on an informal tax list for the year eighteen hundred and forty-eight, now in his possession, to the several persons who shall have paid the same, and the remainder of said taxes shall be collected, returned and proceeded with, in all respects as other taxes for eighteen hundred and forty-eight, except as otherwise provided in this act.

Duties of treasurer.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 12, 1849.

[No. 4.]

AN ACT to extend the time for the collection of taxes in the township of Bellevue, in the county of Eaton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisor of the township of Bellevue, in the county of Eaton, be and he is hereby authorized and empowered to make out a new assessment roll and tax

Supervisor to make new assessment roll for 1849.

LAWS OF MICHIGAN.

list for taxes for the year eighteen hundred and forty-eight, in ~~any~~ township, on or before the first day of February next.

Duties of supervisor and township treasurer.

Sec. 2. The township treasurer shall be notified by the supervisor within six days thereafter, ~~that~~ said tax list is ready, and of the amount of ~~state~~ and county tax assessed therein, and upon his giving bonds as required by law in other cases for the collection and return of taxes, the supervisor shall deliver to said treasurer the assessment roll and tax list, with a warrant commanding him to collect, account for and pay over the taxes in said list as is provided by law, except as to time, which shall be on or before the fifteenth day of March next.

Transcript of unpaid taxes to be returned to auditor general.

Sec. 3. A transcript of the unpaid taxes returned to the county treasurer by the treasurer of said township of Bellevue, may be forwarded to the auditor general at any time on or before the first day of May next, and the same shall be collected and interest computed as is provided by law for other delinquent taxes of eighteen hundred and forty-eight.

Duties of township treasurer.

Sec. 4. The treasurer of said township of Bellevue, upon the receipt of the tax list and warrant provided for in this act, shall give credit for all taxes which he shall have received on an informal tax list of eighteen hundred and forty-eight, now in his possession, to the several persons who shall have paid the same, and the remainder of said taxes shall be collected, returned and proceeded with, in all respects, as other taxes for eighteen hundred and forty-eight, except as otherwise provided in this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 16, 1849.

[No. 5.]

AN ACT to amend an act entitled "an act to amend an act to provide for the recording of town plats" and for vacating the same in certain cases, approved April 19th, eighteen hundred and thirty-nine.

Act relative to record of town plats amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act approved March 27th, eighteen hundred and forty-eight, being "an act to amend an act to provide for the recording of town plats, and for vacating the same

in certain cases, approved April 19th, eighteen hundred and thirty-nine," be and the same is hereby amended as follows:

Sec. 2. Amend section one by inserting the words "of deeds" after the word "register," in the tenth line. Ibid.

Sec. 3. Strike out of the seventh line in section three, the words "county Register," and insert in the place thereof the words, "register of deeds of the county." Ibid.

Sec. 4. All town plats recorded since the passage of the act hereby amended, shall be deemed as valid and effectual in law, as if the same had been recorded under the provisions of said act as hereby amended. Certain records legalized.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 17, 1849.

[No. 6.]

AN ACT to amend section seven of chapter eleven, title two, of the revised statutes of 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section seven of chapter eleven, title two, of the revised statutes of 1846, be amended by striking out the word "ten," in the third line of said section, and inserting in lieu thereof the word "twenty." Sec. 7 chap. 11 of revised statutes amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 17, 1849.

[No. 7.]

AN ACT to change the name of Henry Mann.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the name of Henry Mann, a minor, of the county of Lenawee, and son of Gilbert B. Mann and Almira Mann, be and the same is hereby changed to Henry Mann Waite. Henry Mann name changed.

LAWS OF MICHIGAN.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 18, 1849.

[No. 8.]

AN ACT to authorize the Justices of the Supreme Court to fix and appoint the times of holding the several Circuit Courts within their several circuits.

Judges of
sup. court to
appoint
terms of hol-
ding cir-
cuits.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the justices of the supreme court may immediately after the passage of this act, fix and appoint the times of holding the several circuit courts within their several circuits for the period of two years next ensuing the passage of this act, which courts when so fixed shall remain unaltered for said two years.

Notices of
circuit to be
published.

Sec. 2. Every such appointment shall be published in some paper printed at the seat of government, once in each week, for two weeks in succession, and the last publication thereof shall be at least ten days before the holding of any circuit court in pursuance thereof.

Copy of no-
tice to be
sent to coun-
ty clerk.

Sec. 3. A copy of such appointment shall, immediately upon making the same, be transmitted to the clerk of each county within his circuit, which shall be filed and preserved by such clerk.

Sec. 4. This act shall take effect from and after its passage.

Approved January 20, 1849.

[No. 9.]

AN ACT to amend an act entitled an act to provide for laying out and establishing a state road from Albion to Eaton Rapids, and to make an appropriation for opening and improving the same.

Act amend-
ed

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to provide for laying out and establishing a state road from Albion to Eaton Rapids and to make an appropriation for opening and improving the same, approved April 3d, 1848," be and the same is hereby amended as follows: strike out all after "that" in the second

line of section first, to "and" in the beginning of the third line, and insert "Theron Soule, John R. Palmer," and in section five, fourth line, strike out the words "Duck Lake" and insert "south line of the township of Clarence."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 24, 1849.

[No. 10.]

AN ACT to amend an act entitled "an act authorizing any persons to construct lines of Electric Telegraph in the State of Michigan."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an act entitled "an act authorizing any persons to construct lines of electric telegraph in the state of Michigan," approved January 26th, 1847, be and the same is hereby amended by inserting after the word "highways," in the sixth line, the words "or rail roads." Act amended.

Approved January 24, 1849.

[No. 11.]

AN ACT to amend an act entitled an act to authorize the Supervisors of the county of Kent to construct a canal and locks around the rapids of Grand River at Grand Rapids, approved February 20, 1847, and the acts amendatory thereto, approved January 29, 1848, and March 28, 1848.

Whereas, It appearing from the report of the commissioner of the State land office that the contractor for the construction of the canal and locks around the rapids of Grand river at Grand Rapids, has filed in the State land office the required certificate of the board of supervisors for Kent county, setting forth that said canal is half completed, and has also filed the proper bonds in accordance with the provisions of act No. 22, of 1848; therefore, for the purpose of enabling said contractor to proceed with greater convenience and despatch in the completion of said work: Preamble.

Commissioners of the canal at Grand Rapids to make and file estimates as work progresses.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners (or a majority of them) appointed under the provisions of act No. 125 of 1848, approved March 28th 1848, be, and they are hereby authorized and empowered to make estimates of the said work as it progresses from time to time, as they in their discretion shall deem just and proper, and to file the same with the commissioner of the State land office.

Commissioner of state land to pay contractors on such estimates.

Sec. 2. The commissioner of the State land office is hereby authorized and required upon the application of said contractor, and upon the filing of the said estimates by the said commissioners, of the amount of work completed by said contractor, to pay over to him or his order, any warrants or specie that may have been received by said commissioner under, and in accordance with the provisions of act No. 22, of 1848, or of this act; or certificates of sale in any legal subdivision of any of the unsold lands appropriated and selected under the provisions of the act hereby amended: Provided that said commissioner of the State land office shall not pay over to the said contractor in warrants, specie or certificates of sale, an amount exceeding the estimates duly filed of the amount of work completed, less fifteen per cent.

Proviso.

Duties of Commissioner of land office.

Sec. 3. The said commissioner shall hereafter receive in payment for sales of lands which have been, or may hereafter be made under the provisions of act No. 22 of 1848, Internal Improvement land warrants of this State, upon the written consent of the said contractor, and not otherwise.

Sec. 4. So much of any act or acts heretofore passed, as contravenes the provisions of this act are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 25, 1849.

[No. 12.]

AN ACT to amend section two of chapter seventy-eight of the Revised Statutes of one thousand eight hundred and forty-six.

Sec. 2 chap. 78 of revised statutes amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of chapter seven-

ty-eight of the revised statutes of one thousand eight hundred and forty-six, be and the same is hereby amended by inserting after the word "invested," in the fourth line, the words "in other more productive real estate or," so that said section as amended will read as follows:

"Sec. 2. When it shall appear satisfactorily to the court upon the petition of any such guardian that it would be for the benefit of his ward that his real estate, or any part thereof, should be sold, and the proceeds thereof put out on interest or invested in other more productive real estate, or in some productive stock, his guardian may sell the same for that purpose upon obtaining a license therefor and proceeding therein as hereinafter provided."

Sec. as amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 26, 1849.

[No. 13.]

AN ACT to extend the time for the collection of taxes in the township of Spring Arbor, in the county of Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Spring Arbor, in the county of Jackson, for the year eighteen hundred and forty-eight, is hereby extended to the first Monday of March next.

Term for collection of taxes extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return at any time on or before the first Monday of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid until the said first Monday of March next.

Duties of township treasurer.

Sec. 3. It shall be the duty of the said treasurer, before he shall be entitled to the benefits of this act, to pay over all monies collected during the life time of his warrant as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Jackson.

Treasurer to give new bonds.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be re-

Transcript of unpaid taxes to be returned to audit'r gen'l

Commissioners of the canal at Grand Rapids to make and file estimates as work progresses.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners (or a majority of them) appointed under the provisions of act No. 125 of 1848, approved March 28th 1848, be, and they are hereby authorized and empowered to make estimates of the said work as it progresses from time to time, as they in their discretion shall deem just and proper, and to file the same with the commissioner of the State land office.

Commissioner of state land to pay contractors on such estimates.

Sec. 2. The commissioner of the State land office is hereby authorized and required upon the application of said contractor, and upon the filing of the said estimates by the said commissioners, of the amount of work completed by said contractor, to pay over to him or his order, any warrants or specie that may have been received by said commissioner under, and in accordance with the provisions of act No. 22, of 1848, or of this act; or certificates of sale in any legal subdivision of any of the unsold lands appropriated and selected under the provisions of the act hereby amended: Provided that said commissioner of the State land office shall not pay over to the said contractor in warrants, specie or certificates of sale, an amount exceeding the estimates duly filed of the amount of work completed, less fifteen per cent.

Proviso.

Duties of Commissioner of land office.

Sec. 3. The said commissioner shall hereafter receive in payment for sales of lands which have been, or may hereafter be made under the provisions of act No. 22 of 1848, Internal Improvement land warrants of this State, upon the written consent of the said contractor, and not otherwise.

Sec. 4. So much of any act or acts heretofore passed, as contravenes the provisions of this act are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 25, 1849.

[No. 12.]

AN ACT to amend section two of chapter seventy-eight of the Revised Statutes of one thousand eight hundred and forty-six.

Sec. 2 chap. 78 of revised statutes amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of chapter seven-

ty-eight of the revised statutes of one thousand eight hundred and forty-six, be and the same is hereby amended by inserting after the word "invested," in the fourth line, the words "in other more productive real estate or," so that said section as amended will read as follows:

"Sec. 2. When it shall appear satisfactorily to the court upon the petition of any such guardian that it would be for the benefit of his ward that his real estate, or any part thereof, should be sold, and the proceeds thereof put out on interest or invested in other more productive real estate, or in some productive stock, his guardian may sell the same for that purpose upon obtaining a license therefor and proceeding therein as hereinafter provided."

Sec. as amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 26, 1849.

[No. 13.]

AN ACT to extend the time for the collection of taxes in the township of Spring Arbor, in the county of Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Spring Arbor, in the county of Jackson, for the year eighteen hundred and forty-eight, is hereby extended to the first Monday of March next.

Term for collection of taxes extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return at any time on or before the first Monday of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid until the said first Monday of March next.

Duties of township treasurer.

Sec. 3. It shall be the duty of the said treasurer, before he shall be entitled to the benefits of this act, to pay over all monies collected during the life time of his warrant as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Jackson.

Treasurer to give new bonds.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be re-

Transcript of unpaid taxes to be returned to audit'r gen'l

turned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time, as other taxes for the year eighteen hundred and forty eight, duly returned to the auditor general for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 26, 1849.

[No. 14.]

AN ACT to extend the time for the collection of taxes in the city of Detroit for the year eighteen hundred and forty-eight.

Time for
collection of
taxes exten-
ded.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of the state and county taxes in the city of Detroit for the year 1848, is hereby extended until the first Monday of March next.

Duties of
collectors.

Sec. 2. The collectors of the several wards of said city are hereby authorized to proceed and collect said taxes as fully as they might do during the life time of their warrants for that purpose, and to make their returns on or before the first Monday in March next; and said warrants are continued in full force for said purpose until said time.

Ibid.

Sec. 3. It shall be the duty of the several collectors aforesaid, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of their warrants as provided now by law, and to renew their official bonds to the satisfaction of the treasurer of the county of Wayne.

Transcript
of unpaid
taxes to be
returned to
auditor gen-
eral.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year 1848, duly returned to the auditor general for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 26, 1849.

[No. 15.]

AN ACT to extend the time for the collection of taxes in the township of Niles, in the county of Berrien.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Niles, in the county of Berrien, for the year eighteen hundred and forty eight, is hereby extended to the first Monday of March next. Time for collection of taxes extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return at any time on or before the first Monday of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid, until the said first Monday of March next. Duties of township treasurer.

Sec. 3. It shall be the duty of the said treasurer before he shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of his warrant as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Berrien. Ibid.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time, as other taxes for the year eighteen hundred and forty eight, duly returned to the auditor general for non payment. Transcript of unpaid taxes to be returned to auditor general.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 26, 1849.

[No. 16.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and forty-eight, in the city of Monroe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the city of Monroe, for the year eighteen hundred and forty-eight is hereby extended until the first day of March next. Time for collection of taxes extended.

Sec. 2. The collector of said city is hereby authorized and em- Duties of collector.

powered to proceed and collect said taxes as fully as he could do in the life time of his warrant, and to make his return at any time on or before the first day of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid until the said first day of March next.

Ibid Sec. 3. It shall be the duty of the collector of the said city before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Monroe.

Transcript
of unpaid
taxes to be
returned to
audi'r gen'l.

Sec. 4. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and forty-eight, duly returned to the auditor general for non-payment.

Sec. 5. This act shall take effect from and after its passage.

Approved January 26, 1849.

[No. 17.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and forty-eight, under an act to provide for the draining of swamps, marshes and other low lands; approved March seventeenth, eighteen hundred and forty-seven, and the acts amendatory thereto.

Time for
collection of
certain tax-
es extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That the time for the collection of taxes in the townships of Riga, Ogden, Blissfield and Ridgeway, Lenawee county, under an act for the draining of marshes, swamps and other low lands, approved March seventeenth eighteen hundred and forty-seven, be extended one year from the first day of February next.

Duties of su-
pervisors of
Riga, Ogden
Blissfield &
Ridgeway.

Sec. 2. The supervisors of the several townships of Riga, Ogden, Blissfield and Ridgeway, are hereby authorized and required to make out a transcript copy of so much of the assessment rolls of their respective townships, as relates to the taxes above mentioned, and shall attach thereunto a copy of the original warrant, and shall

deliver the same to the township treasurer or to his successor in office ; and which said transcript or copy, for the purposes of collecting said taxes shall have the same force and effect and shall be collected, returned and proceeded in, in all respects as if the same were an original assessment roll made under the provisions of existing laws.

Sec. 3. The treasurers of the several townships above mentioned are hereby required to pay to the treasurer of the said county on the first day of February next, all sums said treasurers may have collected under the acts hereby amended. Duties of treasurers of said townships.

Sec. 4. This act to take effect and be in force from and after its passage.

Approved January 26, 1849.

[No. 18.]

AN ACT to authorize the construction of a free bridge across the Saint Joseph river, at or near the mouth of McCoy's Creek.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Darius Jennings, William Broadherst and William Cotton, of the township of Niles, and William Harrison of the township of Buchanan, in the county of Berrien, be, and they are hereby authorized to construct a free bridge across the Saint Joseph river, at or near the mouth of McCoy's creek, in said county: *Provided*, said bridge shall be so constructed as not to obstruct the navigation of said river. Free bridge across St. Joseph river authorized.

Sec. 2. The legislature may at any time hereafter alter, amend or repeal this act by a vote of two-thirds of the members of each house. Amend't, repeal, &c.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 26, 1849.

[No. 19.]

AN ACT to authorize Erie Prince and William H. Chillson, to build a dam across the Thornapple river, in the county of Kent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Erie Prince and William H. Dam across Thornapple river authorized.

Chillson, their heirs and assigns, be and they are hereby authorized and empowered to build a dam across the Thornapple river, in the county of Kent, on section sixteen, in township six north of range ten west.

Height of
dam &c.

Sec. 2. Said dam shall not exceed six feet in height, and the occupant shall construct, at the time of the construction of said dam, therein or thereat, a convenient lock and sluice for the passage of boats, rafts, and other water crafts, at all times; and it shall be the duty of the owners of said dam at all times to keep said lock in repair and to pass any water craft through the said lock free of toll and without unnecessary delay; and any person who shall be so detained, shall be entitled to recover of the said owner the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with costs of suit.

Damages
for deten-
tion of boats
&c.

Rights re-
served to
the state.

Sec. 3. If, at any time hereafter, the water should be required to be drawn from said river for the purpose of Internal Improvement or navigation, it shall not be lawful for the said Erie Prince and William H. Chillson, or their heirs or assigns, to recover any damages therefor.

Rights re-
served to
owners of
land.

Sec. 4. Nothing in this act shall be so construed as to authorize the persons above named, their heirs or assigns, to enter upon or flow the lands of any other person or persons, nor any school lands.

Trespasses
to dam, &c.

Sec. 5. Any person who shall destroy or in any wise injure said dam or lock, shall be deemed to have committed a trespass upon the owners thereof, and be liable accordingly; and any person who shall wilfully or maliciously destroy or injure the said lock or dam shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, in the discretion of the court.

Sec. 6. The legislature may at any time, alter, amend or repeal this act.

Approved January 31, 1849.

[No. 20.]

AN ACT to extend the time for the collection of taxes for the year A. D. one thousand eight hundred and forty-eight, in the township of Monroe, county of Monroe.

Time for
collection of
taxes exten-
ded.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That the time for the collection*

of taxes in the township of Monroe, in the county of Monroe, is hereby extended to the first Monday of March next.

Sec. 2. The collector of said township is authorized and empowered to proceed and collect said taxes in the same manner as during the life time of his warrant, and to make returns to the county treasurer on or before the first Monday in March, one thousand eight hundred and forty-nine, and for that purpose, his warrant is hereby continued in full force until the said first Monday in March next: *Provided*, he first renews his official bond to the satisfaction of the treasurer of said county of Monroe.

Duty of collector,

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed for the same time as other taxes, for the year eighteen hundred and forty-eight, duly returned to the auditor general for non-payment.

Transcript of unpaid taxes to be returned to the Auditor Gen'l.

Sec. 4. This act shall take effect from and after its passage.

Approved January 31, 1849.

[No. 21.]

AN ACT to provide for the collection of taxes in the township of Norton, county of Ottawa, for the year one thousand eight hundred and forty-eight.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisor of the township of Norton, in the county of Ottawa, be and he is hereby authorized to make out a new and perfect tax roll from the assessment roll of the year A. D. one thousand eight hundred and forty-eight, for said township of Norton, between the time of the passage of this act and the tenth day of February next.

Supervisor of Norton to make new assessment roll for 1848.

Sec. 2. Upon such roll being made out the said supervisor shall notify the township treasurer of the amount of state and county taxes apportioned to his township by the board of supervisors for the year eighteen hundred and forty-eight, and upon the delivery to said supervisor by said township treasurer, the receipt of the county treasurer, stating that he has received a satisfactory bond

Duties of supervisor and town treasurer.

from such township treasurer in that behalf, said supervisor shall deliver to said township treasurer the tax roll so made out by him, with the usual warrant of the supervisor thereto annexed.

Form and
requisites of
new war-
rant, &c.

Sec. 3. To such tax roll the supervisor shall annex a warrant under his hand for the collection of such taxes in the form prescribed by law, except that such warrant shall require the said township treasurer to account for and pay over said taxes on or before the first day of April next, and the said treasurer shall proceed under such warrant in the same manner and possess the same powers as under a warrant made at the time prescribed in the revised statutes, for the collection of the regular annual taxes, and shall make return to the county treasurer of all unpaid taxes upon his said roll in the same manner and with like effect.

Return of
unpaid tax-
es to auditor
general.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general, as soon as practicable, and with the same effect, and such unpaid taxes so returned shall be collected in the same manner and with interest computed from the same time as the annual taxes for the year eighteen hundred and forty-eight, duly returned to the auditor general for non-payment.

General tax
law appli-
cable to col-
lection and
return of ex-
tended tax.

Sec. 5. All the provisions of existing laws relating to the assessment, collection and return of taxes, shall, so far as the same may be applicable, apply to and govern the assessment, collection and return of the taxes in this act provided for, except so far as other provisions are herein made.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved January 31, 1849.

[No. 22.]

AN ACT to provide for the payment for wood, lights and other incidental expenses of the Legislature and state offices.

State audit-
ors authori-
zied to al-
low certain
accounts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of state auditors be and they are hereby authorized to contract for or purchase wood, lights, and necessary furniture for the legislative halls and state offices, from time to time, and to audit and allow the accounts for

the same, and accounts for making necessary repairs on the capitol and the house and grounds adjoining, belonging to the state, and also for a porter to take charge of the state offices in the capitol, and for transportation of packages to or from the state offices, for the payment of which the state would be liable, and for other necessary incidental expenses of said offices.

Sec. 2. Such accounts, when so audited and allowed, shall be charged by the auditor general to the appropriate accounts, and upon his warrant shall be paid from the state treasury from moneys belonging to the respective funds on which the warrant shall be so drawn. Duty of Auditor Gen'l.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 2, 1849.

[No. 23.]

AN ACT to amend an act entitled an act to revive the poor laws repealed by the revised statutes, in certain counties, approved March 17, eighteen hundred and forty-seven.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all moneys received by the clerk of each township, in the county of Wayne, under the provisions of section twenty-three, chapter forty-one of the revised statutes of 1846, shall be paid over by such clerk to the county treasurer within thirty days after the receipt thereof, and the county treasurer shall give the person paying such money a receipt for the amount paid, in the name of the township from which it was received, and said treasurer shall credit said township with the amount of money received, which shall apply on account of any charges made against such township for the relief and support of their poor, as is provided by law. License money in Wayne Co. to be paid by town clerks to Co. treasurer &c. in 30 days.

Sec. 2. If any township in the county aforesaid, shall not be charged with the relief or support of any township poor by the time of the annual meeting of the board of supervisors in each year, or if the charges made by the county treasurer against any township do not amount to the sum or sums paid into the treasury by such township, then the balance found due each township respectively up to that time, shall be deducted from the amount of. Townships not charged with township poor, until a deduction of state & Co. tax.

state and county tax apportioned to each of the respective townships to which the county treasury stands indebted.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 2, 1849.

[No. 24.]

AN ACT to extend the time for the collection of taxes in the township of La Salle, in the county of Monroe.

Time for collection of taxes extended. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes for the year eighteen hundred and forty eight, in the township of La Salle, in the county of Monroe, is hereby extended to the fifteenth day of March next.

Duties of township treasurer. Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return any time before the fifteenth day of March next, and his said warrant is hereby continued in force until the said fifteenth day of March: *Provided*, He shall first renew his official bond to the satisfaction of the treasurer of the said county of Monroe.

Return of unpaid taxes to auditor general. Sec. 3. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions shall be returned to the auditor general as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest compute from the same time as other taxes for the year eighteen hundred and forty eight, duly returned to the auditor general for non-payment.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 2, 1849.

[No. 25.]

AN ACT to amend an act entitled an act to incorporate the Monroe and Saline plank road company.

Monroe and Saline plank road terminus altered. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the second section of an act

entitled an act to incorporate the Monroe and Saline plank road company, approved April third, one thousand eight hundred and forty-eight, be amended by striking out the words "the city of Monroe," and inserting in place thereof, the words "any point within the city of Monroe."

Sec. 2. This act shall take effect from and after its passage.

Approved, February 9, 1849.

[No. 26.]

AN ACT to authorize the Commissioner of the State Land Office to sell certain University Lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the state land office be, and he hereby is authorized and directed to sell at public auction, as hereinafter prescribed, in such lots or parcels as he may deem best for the interest of said fund, the lands belonging to the university fund situated near Toledo, in the state of Ohio, known as lots numbered seven, (7,) eight, (8,) nine, (9) and ten, (10,) in the United States reserve of twelve miles square, lying on the Maumee river.

Com'r state land office authorized to sell university land at Toledo.

Sec. 2. It shall be the duty of the said commissioner to cause the said lands to be appraised prior to the sale thereof, by three disinterested persons, residents of this state, under oath, and he shall give public notice of the time, place and terms of such sale, by notices published in the newspapers printed at Toledo, and in the "Detroit Commercial Bulletin," "Detroit Daily Advertiser," and the "Monroe Advocate," thirty days at least prior to the day of such sale: and he may adjourn such sale from time to time, as often as he shall think proper, giving notice of the same as above prescribed.

Duties of commiss'r; notice of sale, &c.

Sec. 3. The said lands shall not be sold at a less price than their appraised value as herein prescribed, nor in any case for a less sum than twelve dollars per acre, and the terms of payment therefor shall be as follows: one-third of the purchase money to be paid on the day of sale, and the residue thereof in two equal instalments with interest thereon at the rate of seven per centum per annum, to be paid on the first day of March, in the two years next thereafter: and in case of the non-payment by the purchaser or his assigns, of

Lands to be sold at a minimum—terms of payment, &c

any part of such principal or interest at the time when the same shall become due and payable, then the sale to such purchaser, and the certificate issued thereupon, shall, from the time of such default, become null and void and of no effect; and the said commissioner may take possession of such forfeited lands and re-sell the same under the provisions of this act.

Certificates
of purchase
to be given.

Sec. 4. The said commissioner shall give to the purchaser at any sale made under the provisions of this act, a certificate in the usual form as near as may be, specifying the lands sold, the quantity, price per acre, and the consideration paid and to be paid, together with the time and terms of payment, and the condition of sale and forfeiture, as herein prescribed; and all provisions of law regulating the sale of university lands not conflicting or inconsistent with the above provisions, shall apply to all such sales as may be made by virtue of this act.

Approved February 9, 1849.

[No. 27.]

AN ACT to authorize the Commissioner of the State Land Office to sell certain primary school lands.

Sec 16 T 58
R 7 W to be
sold by com-
mis'r state
land office.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the state land office be and he is hereby authorized to sell, if he should think best, at public auction, section sixteen, in township five south of range seven west, in such subdivisions as he may deem for the best interest of the state, in lots not less than forty acres each, and at a minimum price of not less than six dollars per acre.

Notice of
time & place
of sale.

Sec 2. The said commissioner, before offering said lands for sale at public auction as aforesaid, shall cause a notice to be published in the state paper, and also in some newspaper printed in the county where said lands are situated, for six successive weeks previous to said sale, describing said lands so to be offered for sale, and stating therein the time and place where said lands will be so offered, and said commissioner may adjourn said sale from time to time, at his discretion, if he shall deem it for the best interests of the primary school fund.

When to be
sold at pri-
vate sale &
at what
price.

Sec. 3. In case the said commissioner shall fail to sell the whole of said section sixteen or any part thereof at public auction as afore-

said, the said commissioner is authorized to sell the remainder or any part thereof at private sale to any individual applying for the same: *Provided however,* The same shall not be sold for less than the minimum price above stated.

Sec. 4. The payments for said lands shall be governed by the same laws and regulations which are now in force concerning primary school lands. Terms of payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 9, 1849.

[No. 28.]

AN ACT to authorize Wilkes W. Durkee, of the county of Oakland, to sell certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Wilkes W. Durkee, a minor, of the county of Oakland, in the state of Michigan, be and he is hereby authorized and empowered to sell and convey the following described piece or parcel of land, situate and lying in the county of Genesee and state of Michigan, viz: the east half of the south west quarter of section twenty eight, in the township of Mundy, and county of Genesee, as aforesaid, according to the United States survey, in as sufficient and ample a manner as if said Wilkes W. Durkee were of full age: *Provided,* That no such conveyance shall be of any effect unless the judge of probate of said county of Oakland, shall, under his hand and seal of his office, certify upon the back of said conveyance his approval of the same. W W Durkee authorized to convey certain lands with consent of prob'e judge of Genesee county.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 10, 1849.

[No. 29.]

AN ACT to authorize the Supervisor of the township of Fairfield in the county of Lenawee, to renew the warrant for the collection of the taxes in said township.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supervisor of the township of Fairfield, in the county of Lenawee, be, and he is hereby Supervisor of Fairfield to issue new warrant for taxes of 1849

authorized and empowered to issue a new warrant to the township treasurer of said town for the collection of the balance of taxes remaining uncollected in said township in consequence of the sickness of said township treasurer, which said warrant shall require the said treasurer forthwith to collect all such taxes as may remain unpaid on the tax list in his hands, and pay over all such portions thereof as were assessed for state and county purposes, to the treasurer of the said county of Lenawee, on or before the fifteenth day of April next; and for that purpose, the said township treasurer shall be vested with all the powers, and subject to the same liabilities as upon the original warrant.

Duties of supervisor and own treasurer.

Sec. 2. Before the warrant above mentioned shall be delivered by the supervisor of said town of Fairfield, to the treasurer of said township, such treasurer shall execute and deliver to the county treasurer of said county, a new bond, in double the amount of such taxes remaining unpaid, to be approved by such county treasurer and conditioned, that the said township treasurer shall account for and pay over to such county treasurer, the amounts specified in the assessment roll and tax list annexed to the warrant in his hands, for state and county purposes, on or before the fifteenth day of April next.

Return of unpaid taxes

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and forty-eight, duly returned to the auditor general for non-payment.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 10, 1849.

[No. 30.]

AN ACT to amend section seven, of chapter one hundred and forty-one of the revised statutes, in relation to the punishment of fraudulent debtors.

Sec 7 chap 141 of R S amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section seven of chapter one hundred and forty-one of the revised statutes be, and the same is hereby

amended, by striking out of the twelfth line the words "or without," between the words "with" and "surety," and the words "at his discretion," between the words "surety" and "from," and by adding to the end of said section, to stand as a part thereof, the words "and conditioned that said defendant will not meanwhile, secrete, destroy, dispose of or in any manner make way with or put out of his possession any of his property not exempt from sale on execution."

Sec 2. This act shall take effect within thirty days from the passage of the same.

Approved February 13, 1849.

[No. 31.]

AN ACT to provide for laying out a State road from Mason to Dexter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Dunning, Franklin Larue and Robert Glenn, be, and are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Mason in Ingham county, on the most eligible route through the villages of Stockbridge, and East Unadilla, to the village of Dexter in Washtenaw county. Comm'rs to lay out state road from Mason to Dexter.

Sec. 2. The above named commissioners shall file so much of the survey of the above named road in the office of the township clerk of each township through which the said road shall pass as shall be laid out in such township, and it shall be the duty of the several township clerks to record the same in their respective township books and post the notice required by law. Survey to be filed in each town.

Sec. 3. That it shall be the duty of the commissioners of highways of the several townships through which said road may pass, to open and work said road in the same manner and by virtue of the same law, as township roads are required to be opened and worked. Duties of highway comm'rs.

Sec. 4. The state shall not be liable for any expense incurred, or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act, shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void. State not liable for expenses or damages.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 13, 1849.

[No. 32.]

AN ACT to incorporate the New Buffalo and Laporte plank road company.

New Buffa-
to and La-
porte plank
road Co. in-
corporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Isaac O. Adams, George W. Allen, A. Bennett, L. N. Bowlsby and Edwin Ballingee be and they are hereby appointed commissioners, under a majority of whom, subscriptions may be received to the capital stock of the New Buffalo and Laporte plank road company, and the subscribers thereto with such other persons as shall associate themselves with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the New Buffalo and Laporte plank road company, with corporate succession.

Route of
road.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of New Buffalo in the county of Berrien, on the most eligible route to some point on the southern line of the state of Michigan, the said road running in the direction of Laporte, in the county of Laporte, state of Indiana.

Capital stock

Sec. 3. The capital stock of said company shall be five thousand dollars in one hundred shares of fifty dollars each.

Duration of
charter, its
amendment,
&c.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided,* That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided,* There be no violation of the charter of said company.

Proviso.

General
provisions.

Sec. 5. The provisions of an act relative to plank roads, approved

March thirteenth, one thousand eight hundred and forty-eight shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved February 13, 1849.

[No. 33.]

AN ACT to amend chapter one hundred and fifty-five of the Revised Statutes of one thousand eight hundred and forty-six, in relation to forgery and counterfeiting.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four, of chapter one hundred and fifty-five of the revised statutes of eighteen hundred and forty-six, be, and the same is hereby amended by inserting after the word "state," in the fourth line of said section, the words following, to wit: "or in any of the British provinces of North America, or in any other state or country."

Sec 4 chap
155 of R S
amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 13, 1849.

[No. 34.]

AN ACT to extend the time for the collection of certain taxes in the township of Burns, in the county of Shiawassee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisor of the township of Burns, in the county of Shiawassee, be and he is hereby authorized and empowered to make out a new assessment roll and tax lists for taxes of the year eighteen hundred and forty-eight, in said township, on or before the first day of March next.

Supervisor
of Burns to
make new
warrant for
taxes of 1848

Sec. 2. The township treasurer shall be notified by the supervisor within six days thereafter that said tax list is ready, and of the amount of state and county tax assessed therein, and upon his giving bonds as required by law in other cases for the collection and return of taxes, the supervisor shall deliver to said treasurer the assessment roll and tax list with a warrant commanding him to collect, account for and pay over the taxes in said list as is provided by law, except as to time, which shall be on or before the first day of April next.

Duties of su-
pervisor and
town treas-
urer.

Return of
unpaid tax-
es.

Sec. 3. A transcript of the unpaid taxes returned to the county treasurer by the treasurer of said township of Burns, may be forwarded to the auditor general at any time on or before the first day of May next; and the same shall be collected and interest computed as is provided by law for other delinquent taxes of eighteen hundred and forty-eight.

Duties of
town treas-
urer.

Sec. 4. The treasurer of said township of Burns, upon the receipt of the tax list and warrant provided for in this act, shall give credit for all taxes which shall have been received on an informal tax list for the year eighteen hundred and forty-eight, to the several persons who shall have paid the same, and the remainder of said taxes shall be collected, returned and proceeded with, in all respects as other taxes for eighteen hundred and forty-eight, except as otherwise provided in this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 13, 1849.

[No. 35.]

AN ACT to authorize the supervisor of the township of Bridgeport, in the county of Saginaw, to renew the warrant for the collection of the taxes in said township.

Supervisor
of Bridge-
port to issue
new warrant
for taxes of
1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisor of the township of Bridgeport, in the county of Saginaw, be and he is hereby authorized and empowered to issue a new warrant to the township treasurer of said town for the collection of the balance of taxes remaining uncollected in said township, which said warrant shall require the said treasurer forthwith to collect all such taxes as may remain unpaid on the tax lists in his hands, and pay over all such portions thereof as were assessed for state and county purposes, to the treasurer of the said county of Saginaw, on or before the fifteenth day of March next; and for that purpose, the said township treasurer shall be vested with all the powers, and subject to the same liabilities as upon the original warrant.

Duties of su-
pervisor and
treasurer.

Sec. 2. Before the warrant above mentioned shall be delivered by the supervisor of said town of Bridgeport to the treasurer of said township, such treasurer shall execute and deliver to the coun-

ty treasurer of said county, a new bond, in double the amount of such taxes remaining unpaid, to be approved by such county treasurer, and conditioned that the said township treasurer shall account for and pay over to such county treasurer, the amounts specified in the assessment roll and tax list annexed to the warrant in his hands, for state and county purposes, on or before the fifteenth day of March next.

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions. shall be returned ^{Return of unpaid taxes.} to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time, as other taxes for the year eighteen hundred and forty eight, duly returned to the auditor general for non-payment.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 13, 1849.

[No. 36.]

AN ACT to extend the time for the collection of taxes in the township of Pontiac, in the county of Oakland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time for the collection of taxes in the township of Pontiac, in the county of Oakland, for the year eighteen hundred and forty eight, is hereby extended until the first Monday of April next. ^{Time for collection of taxes extended.}

Sec. 2. The treasurer of said township of Pontiac is hereby authorized and empowered to proceed and collect said taxes as fully ^{Duties of town treasurer.} as he could do during the life time of his warrant, and make his return at any time on or before the first Monday of April next, and his said warrant is hereby continued in force for the purposes aforesaid until the first Monday of April next.

Sec. 3. It shall be the duty of the treasurer aforesaid before he shall be entitled to the benefits of this act. to pay over all moneys collected in the life time of his warrant as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Oakland. ^{Ibid.}

Sec. 4. A transcript of all unpaid taxes returned to the county ^{Return of unpaid taxes.}

treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and with the same effect, and such unpaid taxes so returned shall be collected in the same manner and with interest computed from the same time as the annual taxes for the year eighteen hundred and forty-eight, duly returned to the auditor general for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 13, 1849.

[No. 37.]

AN ACT to incorporate the Tecumseh Literary Institute.

Tecumseh
Literary In-
stitute in-
corporated.

Gener'l pro-
visions.

Objects and
powers of
corporation.

Powers and
liabilities of
Trustees.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* Sirrell C. Le Baron, Alonzo B. Palmer, Increase S. Hamilton, Salmon Crane, Stillman Blanchard, Perley Bills and Charles Spafford, and their successors in office, be, and they are hereby constituted and declared a body corporate under the name and style of the "Tecumseh literary institute," subject to the provisions relating to corporations, contained in chapter fifty-five of the revised statutes of 1846, and such amendments thereof as may from time to time be made by the legislature.

Sec. 2. The persons named in the preceding section, and their successors in office shall have power, and they are hereby authorized to establish and continue in Tecumseh, in the county of Lenawee, an institution of learning for the instruction of persons in the various branches of literature and the arts and sciences; and to establish rules and by-laws for the government and management of the same, provided, such rules and by laws are not inconsistent with the constitution and laws of the United States, or of this state, and shall faithfully apply all funds or other property, received by them for that purpose, by subscription, bequest or otherwise, in providing suitable buildings, employing professors and teachers, procuring books, maps, philosophical and other apparatus, necessary or proper for the successful prosecution of study in such institution.

Sec. 3. Said board of trustees shall be in law capable of acquiring and holding by purchase, gift, grant, devise or bequest or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, in value not exceeding the sum of twenty-five thousand dol-

lara, for the use of said corporation and no other, and shall further hold for the use of said corporation, any estate, real or personal, heretofore conveyed to the members of the said board for that purpose, and shall be held liable for all debts of said corporation, as partners in trade, after the corporate property shall have been exhausted.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 13, 1849.

[No. 38.]

AN ACT to provide for the support of the poor in the counties of Calhoun and Van Buren, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter thirty eight of the revised statutes of one thousand eight hundred and forty six, be and the same is hereby revived and made of force in the counties of Calhoun and Van Buren. Chap 38 of R
S revived
for Calhoun
& Van Bu-
ren counties

Sec. 2. The board of supervisors of each of said counties of Calhoun and Van Buren may impose a tax upon the property of such county, or adopt such other measures as they shall deem most advisable to meet and defray the expenses incurred since April third, eighteen hundred and forty eight, in the support and maintenance of the poor of said county. Power of
supervisors
of said coun-
ties.

Sec. 3. William Farley, Cholett Cady and James M. Parsons are hereby designated as superintendents of the poor for, said county of Calhoun, during the current year. Sup'ts of
poor for Cal-
houn Co.

Sec. 4. Jay R. Monroe, Charles M. Morrell, and Jeremiah H. Simmons are hereby designated as superintendents of the poor for said county of Van Buren for the current year. Sup'ts for
Van Buren
county.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 14, 1849.

[No. 39.]

AN ACT to attach a part of the township of Rives, in the county of Jackson, to the township of Henrietta.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the township Part of the
town of
Rives at-
tached to
Henrietta.

of Rives, in the county of Jackson, which is east of a line commencing on the base line, at the section line between sections two and three in town one south of range one west, and running thence south on the section line to the south east corner of section ten, in the town aforesaid, thence west on the south line of said section ten to Grand river, and thence up said river to the south line of said township of Rives, be and the same is hereby attached to and made a part of the township of Henrietta.

Rights and
liabilities of
portion so
attached.

Sec. 2. That portion of the township of Rives hereby attached to and made a part of the township of Henrietta, shall be entitled to and be liable for all moneys that the township of Rives may receive or pay on account of said portion of said township.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 16, 1849.

[No. 40.]

AN ACT to amend an act entitled an act to incorporate the Monroe and Erie Plank Road Company.

Monroe and
Erie plank
road compa-
ny, terminus
changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the second section of an act entitled "an act to incorporate the Monroe and Erie plank road company," approved April third, one thousand eight hundred and forty-eight, be amended by striking out the words "village of Vienna," in the fourth line, and inserting in place thereof, the words "state line of Ohio;" also section five be so amended by striking out in the fourth line, the words "village of Vienna," and inserting in place thereof, "state line of Ohio."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 16, 1849.

[No. 41.]

AN ACT to enlarge the corporate limits of the city of Detroit.

Boundaries
of district
attached to
city of De-
troit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the district of country con-

tained within the following limits, to wit: beginning at a point on the national boundary line in the Detroit river, directly opposite and in a line with the westerly or lower line of the Jones farm, (so called) on private claim number two hundred and forty-seven, and now being the lower boundary of said city of Detroit, thence in a straight line northerly in the course of the said lower line of the Jones farm, until it intersects the rear or northerly boundary line of said city, thence westerly on the line and in the course of the rear or northerly boundary line of private claims number twenty-three, (Forsyth farm) number two hundred and forty-six, (or La Brosse farm) and number twenty-four, (or Baker farm) to a point on the easterly or upper line of private claim number twenty-four and known as the Woodbridge farm, in the township of Springwells; thence southerly and in the course of and on said upper line of said Woodbridge farm to a point on the said national boundary line in the Detroit river, thence on said boundary line to the place of beginning, be, and the same is hereby annexed to, and made part of the township and city of Detroit; and that the said district hereby annexed, and the inhabitants thereof, be and they are hereby made subject to the provisions and shall be entitled to all the rights, privileges and franchises created or conferred by the several acts of the legislative council of the late territory of Michigan, or of the legislature of the state of Michigan, relative to the city of Detroit, now in force or hereafter to be created, and the by-laws and ordinances lawfully made and now in force or that may hereafter be made under the authority of said several acts, shall have full force and effect within the said district from and after the day on which this act is to take effect and be in force: and from and after that day, the said district shall not be subject to the regulations or government of the township of Springwells.

Rights and liabilities of inhabitants.

Sec. 2. The district by this act annexed to the city of Detroit, ^{8th Ward.} shall be, and is hereby established the eighth ward of said city; and said ward is hereby attached to and made a part of the first assessment district of the city of Detroit.

Sec. 3. There shall be elected in said eighth ward at the next charter election of the city of Detroit, and annually thereafter, one tax collector and one constable, who shall respectively have the same rights and authority, and in all respects be subject to the same requirements, duties and responsibilities as other tax collectors

Collector & constable to be annually elected in & for said ward.

and constables of said city now by law respectively have and are subject to.

1st election.

Sec. 4. The first election in said eighth ward shall be at the house of P. McLaughlin on Fort-street, in said ward, on the first Monday of March next, and the electors of said ward who are present, shall at nine o'clock on the morning of said day, at the said place of election, elect viva voce, two of their own number to act as inspectors of said election, who with the assessor of said ward, to be appointed as hereinafter provided, shall be the inspectors of said election, and shall first be sworn rightfully to discharge the duties as such inspectors, which oath may be administered by any of such inspectors to the others; and said inspectors may appoint any elector of said ward with full authority to act as constable at and about the polls of said ward, during said election day.

Inspector elected, &c.

Aldermen.

Sec. 5. At said election there shall be elected by the electors, two persons to serve as aldermen of said ward in the common council of the city of Detroit, one of whom shall be elected to serve for one year, and the other for two years, and on the ballots shall be designated the term of service designated for each candidate for said office, and the persons having a plurality of such ballots shall be elected for the respective terms aforesaid, and thereafter the election for alderman in said ward shall take place as in the other wards of said city. The aldermen elected as above, shall enter upon their duties on the second Monday of April next.

Assessors to be appointed by common council.

Sec. 6. The common council of said city shall appoint some discreet person from the electors of said ward, who shall take the same oath as is required of other ward assessors, and he shall perform in said ward and city, all the duties required of a ward assessor, and shall be entitled to the same compensation; and such assessor shall serve until the district assessors to be elected at the next charter election, shall enter upon their office.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved February 20, 1849.

[No. 42.]

AN ACT to amend the Charter of the City of Detroit.

Detroit charter officers elective.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the corporation officers of the

city of Detroit, who are hereinafter named, may, hereafter, at the annual charter election, be annually elected by the qualified electors of said city, and by a plurality of votes, viz: One recorder, one attorney, one clerk, one treasurer, one marshal, one superintendent of the water works, one physician, one director of the poor, one sexton, one clerk for each public market, one surveyor, three inspectors of fire wood, and as many other such inspectors as shall from time to time be directed by the common council, two weigh masters, and as many other such weigh masters as shall from time to time be directed by the common council.

Sec. 2. There shall be elected annually, at the time aforesaid, one supervisor in and for each road district of said city, and one collector in and for each ward of said city, and one assessor in and for the seventh ward of said city.

Supervisor
of road col-
lector or as-
sessor.

Sec. 3. The assessment districts in said city as the same were formed by the common council, in pursuance of an act entitled "an act to amend the charter of the city of Detroit," approved February 23, 1848, shall be continued, except that the seventh ward in said city shall be annexed to and hereafter constitute a part of the second assessment district. And the assessors elected in the years 1847 and 1848, in pursuance of said recited act shall be deemed to be in and continue to hold their offices for the term for which they were elected, and the assessors for the first, second, third, fourth, fifth and sixth wards of said city, respectively, shall hereafter be elected at the periods, in the manner and for the term prescribed in the second section of said recited act, and so much of that section as provides for such election is hereby revived.

Assessment
districts.

Sec. 4. The assessors from the wards in each of said districts shall, on or before the first Monday of March, in every year, or within such other time as the common council of said city may direct, jointly appraise all the real and personal estate, and make out the assessment rolls of all the taxable persons and property, in their respective districts, making a separate roll for each of the wards of such district; and when any lot or lots shall be partly in two or more districts, the same shall be assessed in the district where the greater part of such lot or lots are situate, provided that such as

Time of an-
nual assess-
ments.

assessment shall not conflict with any corporate rights now vested by existing laws.

City assessments to be adopted for state and county purposes.

Sec. 5. The assessments so made as above provided, shall be taken and adopted as the regular assessments for the county and state taxes throughout said districts.

Duties of collectors.

Sec. 6. It shall be the duty of said collectors respectively, to collect the city and school taxes and the county and state taxes in and for their respective wards, and account for the same as required by law: They shall be required to give bonds in such manner, and be entitled to such compensation as may be prescribed by law for township officers doing similar duties; provided that for the collection of the city and school taxes, they shall be entitled to take and receive only such compensation as may be fixed and allowed therefor by the common council. Sections seventeen, eighteen, nineteen, twenty, and twenty one of an act entitled "an act to amend the charter of the city of Detroit," approved February 22, 1848, are hereby repealed.

Certain sections of charter repealed.

Qualifications of electors, &c.

Sec. 7. The provisions of the charter of said city, respecting the qualifications of electors and officers, the notice, conduct and determination of election and vacancy in, and removal from office, shall apply to elections held under this act: *Provided*, That in all elections in said city, the assessor of each ward shall constitute one of the board of inspectors of election; and in case of his absence from any cause, his place may be supplied in the same manner as is prescribed by law in similar cases: *Provided further*, The first election of officers, had under the provisions of this act, may be held after four days' notice thereof has been given, any act or parts of acts to the contrary notwithstanding.

Notice of 1st election.

Terms of office.

Sec. 8. The term of said offices shall be one year, to commence and be computed from the time assigned for holding the annual charter election, and they shall continue in office until their successors shall be elected and qualified: provided that the term of the attorney and clerk, shall commence and be computed from the first Monday in April after such election. *Provided also*, the persons now holding said offices may continue therein, until their successors are elected and qualified under this act, nothing in this section contained, shall however be taken as applying to the term of office of the

assessor elected under the above section three, and section two, therein recited.

Sec. 9. Said officers shall take and file the oath of office, and give bonds for the performance of their duties agreeably to the law or the by-laws, ordinances or resolutions of the common council, as the case may be; and the compensation of said officers shall not be diminished after their election and during the term for which they were elected.

Oaths and bonds and compensation of officers.

Sec. 10. Said officers respectively shall perform such duties and be subject to such liabilities as are, or may be, from time to time, prescribed by law, or by the by-laws, ordinances, or resolutions duly passed by the common council, as the case may be.

Duties of officers.

Sec. 11. The common council, by a vote of two-thirds of all the members elected, may remove any ministerial officer of said city, for sufficient cause, and the proceedings in that behalf, shall be entered on their journal; provided that the common council shall previously cause a copy of the charges preferred against the officer sought to be removed, and notice of the time and place assigned for hearing the same, to be served on him, ten days at least, previous to the time so assigned.

Common council may remove from office, &c.

Sec. 12. The common council shall continue to have the same power they now have, to fill all vacancies that may happen in any ministerial office; and the person appointed to fill such vacancy, may continue in office for the period which his predecessor had to serve, and in case of temporary inability by reason of sickness or otherwise, of any officer, to perform the duties of his office, the common council may appoint some suitable person in his place, who shall discharge the duties of such office during the inability of such officer.

Vacancies, how filled.

Sec. 13. If the electors shall at any charter election fail to elect an city, district or ward officer, by reason of two or more persons having received an equal number of votes, the common council shall, as soon as may be, cause the names of each of such persons to be written on separate slips of paper, and deposited in a box or other proper place, and the person acting as presiding officer of the council, shall draw out of said box or other place, in the usual manner of determining by lot, one of said slips, and the person whose name is thereon, shall be deemed entitled to hold the office for which he

Provision in case of tie votes.

received said votes in the same manner as other officers duly elected:

Provided.

Provided however, That in lieu of the forgoing proceedings, the common council may order a new election to be held, and if so ordered, notice thereof shall be given and the election conducted as in other cases.

Powers, duties and compensation of officers.

Sec. 14. The common council shall have power to prescribe the powers, duties and compensation of all ministerial officers of said city, in cases where the same are not prescribed by law.

Sec. 15. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved February 21, 1849.

[No. 43.]

AN ACT for the relief of the Trustees of the First Society of the Methodist Episcopal Church of Lapeer, Lapeer county.

Preamble.

Whereas, The appointment of the trustees of the first society of the Methodist Episcopal church in the township of Lapeer, in the county of Lapeer, was not made by Duncan McGregor, the preacher in charge, under seal as required by law: And *Whereas,* The trustees of said first society have purchased real estate for said church, and built a house thereon for public worship: Therefore.

Appointment of trustees of 1st M. E. Church of Lapeer, legalized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the appointment in writing, of the trustees of the first society of the Methodist Episcopal church of Lapeer, in the county of Lapeer, and state of Michigan, by Duncan McGregor, the preacher in charge, be, and the same is hereby declared to be as legal and effective in law and equity as if the said appointment was made under seal, and shall be so deemed and declared in all courts of law and equity in this state. That all of the acts of the trustees under and by virtue of said appointment, shall be as binding in law and equity, as they would have been if said appointment had been made under seal; *Provided,* that nothing herein contained shall in any wise affect the rights of third persons accrued prior to the passage of this act.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 22, 1849.

[NO. 44.]

AN ACT to enlarge the powers of the District Board of School District number one, in the township of Jackson, in Jackson county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the district board of School District number one, in the township of Jackson, in Jackson, be, and they are hereby authorized and empowered, upon a classification of scholars of said district, in pursuance of section ninety-three, of chapter fifty-eight of the revised statutes of 1846, to discriminate, in their discretion, as to the price to be paid upon the rate bills, for teachers' wages by scholars in the different departments of said school, so that scholars in the higher departments may be required to pay more than those in the lower departments thereof.

Powers of
Dist. Board
S. D. No. 1,
Jackson en-
larged.

Sec. 2. The rate bills made out in accordance with the provisions of the preceding section, shall have the same binding force and effect as rate bills made out under the provisions of chapter fifty-eight of the revised statutes of 1846, and sections fifty-seven and fifty-eight of said chapter fifty-eight shall apply to all departments in the school in said district.

Rate bills.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1849.

[No. 45.]

AN ACT to amend an act entitled "An act to incorporate the Mt. Clemens and Romeo plank road company," approved April 3, 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five of an act to incorporate the Mt. Clemens and Romeo plank road company, ap-

Mt. Clemens
and Romeo
plank road
company
charter a-
mended.

proved April 3, 1848, be, and the same is hereby repealed.

When company may erect toll gates, &c.

Sec. 2. Whenever the said company shall have completed two miles of said road, from the point of termination in the village of Mt. Clemens, the said company is hereby authorized and empowered to erect toll gates upon the same, and to charge, collect and receive tolls for traveling upon the same, pro rata, according to the distance, pursuant to the act relative to plank roads, approved March 13, 1848: *Provided*, said company shall finish two and one half miles of said plank road, in each and every succeeding year after the erection of said gates.

Time for commencing proceedings, &c., extended for 2 yrs.

Sec. 3. The time for commencing proceedings, opening books, and receiving subscriptions under the act to which this act is amendatory, is hereby extended for the term of two years from and after the passage of this act; and all proceedings heretofore had by said company under the provisions of the act to which this act is amendatory, for the purpose of constructing the road therein mentioned, are hereby declared to be legal, so far as the same has been conducted in conformity to the provisions of the act to which this is amendatory, and to the act entitled "an act relative to plank roads," approved March 13, 1848, and shall have the same force and effect as if commenced within six months from the third day of April, eighteen hundred and forty-eight.

General provisions.

Sec. 4. The provisions of an act entitled an act relative to plank roads, approved March 13, 1848, shall be, and are hereby made a part of this act, and of the act to which this act is amendatory, except so far as the provisions of the said act relative to plank roads, may contravene the provisions of this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 24, 1849.

[No. 46.]

AN ACT to authorize Norman A. Harrington, of the county of Ingham, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Norman A. Harrington, a minor, of the county of Ingham, and state of Michigan, be, and he is hereby authorized and empowered to sell and convey all his interest in and to the following described pieces or parcels of land, situate, lying and being in the county of Ionia, and state of Michigan aforesaid, viz: "commencing at the west corner of what is known as the old grist-mill building on lot number eight (8) in the village of Portland, thence southerly along the west side of said building to the south corner of said building, thence easterly along the race of said mill to Grand river, thence along the Grand river westerly to the upper or west end of what is recorded as the hydraulic reserve, thence along the south end of said reserve to Canal street, opposite to lot number forty-eight, (48) thence along Canal and Water streets to the place of beginning, including the whole hydraulic reserve, with all the water power belonging to the said piece or parcel of land above described, with the right of flowing banks, as secured in former deeds executed by Martha A. Wadsworth and Oscar P. Shoff;" "also two and an half acres of land situated at the south end of the mill-dam erected by A. S. Wadsworth, being the same two and a half acres reserved by said Wadsworth in his deed to Cyrus Curtis, out of the south-east fraction of the north-west quarter of section thirty-three, (33) in town six (6) north of range five (5) west, in as good, sufficient and ample manner as if said Norman A. Harrington were of full age: Provided, That no such conveyance shall be of any effect, unless the Judge of Probate of said county of Ionia shall, under his hand and seal of his office, certify upon the back of said conveyance his approval of the same, and said approval shall be recorded with the deed.

Norman A. Harrington authorized to sell certain real estate under approval of prob'e judge of Ingham county.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1849.

[No. 47.]

AN ACT to repeal Section Twelve of "An Act to amend the revised statutes of one thousand eight hundred and forty-six," approved April third, one thousand eight hundred and forty eight, and to restore section forty nine of chapter one hundred and fifty four of the Revised Statutes.

Act amended and sec. 49 chap. 154 of R S restored.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section twelve of an "act to amend the revised statutes of eighteen hundred and forty six," approved April third, one thousand eight hundred and forty-eight, be and the same is hereby repealed, and section forty-nine of chapter one hundred and fifty-four of Revised Statutes is hereby revived and reinstated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1849.

[No. 48.]

AN ACT to authorize Townsend North to build a dam across Cass River.

Dam authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Townsend North, his heirs or assigns, are hereby authorized and empowered to build and maintain a dam across the Cass river, on section seven, town eleven north, range seven east, in the county of Tuscola.

Description of dam.

Sec. 2. The said dam shall contain a convenient slide or sluice for the passage of logs, and the owners thereof shall, whenever the county court of said county, or of Saginaw county, shall so order, place in said dam a convenient lock not less than twenty feet wide and one hundred feet in length, for the passage of boats, barges and other water craft navigating said river: the owners of said dam shall keep said lock in good repair and shall pass all boats or other water craft through the same, free of toll or expense to the owner thereof and without delay; and any person who shall be so detained shall be entitled to recover of the said owners the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with the costs of suit.

Duties & liabilities of owners, &c.

Sec. 3. Any person or persons who shall destroy or in any wise injure said lock, dam or slide, shall be deemed to have committed a trespass against the owners thereof, and shall be liable accordingly; and any person or persons who shall wilfully and maliciously destroy or injure the said lock, dam or sluice, shall be deemed guilty of a misdemeanor, and on conviction, be punished by fine or imprisonment, in the discretion of the court. Trespassers on dam, &c.

Sec. 4. Nothing herein contained shall authorize the said North, his heirs or assigns, to enter upon or flow the lands of any other person or persons; and the legislature may, at any time, alter, amend or repeal this act. Rights of persons reserved.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 28, 1849.

[No. 49.]

AN ACT to authorize the Assessors of the second ward in the city of Monroe to levy a certain Tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the assessor of the second ward in the city of Monroe, is hereby authorized and required to levy and enter upon the annual tax roll of said ward for the year one thousand eight hundred and forty-nine, in addition to the regular annual tax, the further sum of one hundred and forty-two dollars sixty-six cents, against and upon the following described property in said ward, to wit: stone house and lot bounded north by the river Raisin, south by front street, east and west by Primrose, which said sum of one hundred and forty-two dollars sixty-six cents shall be collected in the same manner and at the same time that the taxes for the year one thousand eight hundred and forty-nine are collected, and when so collected, shall be paid over as directed by the warrant of the assessor of said ward appended to the tax roll of the year one thousand eight hundred and forty-seven. Assessor of 2nd ward of Monroe, to levy a certain tax for 1849.

Approved February 28, 1849,

[No. 50.]

AN ACT to authorize Almeron Newman, James Newman, Peter M. Kind, Asa C. Davis, and William D. Disbro, to build a dam across Grand River, in the county of Ionia.

Dam authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That it shall be lawful for Almeron Newman, James Newman, Peter M. Kind, Asa C. Davis and William D. Disbro, their heirs and assigns, and they are hereby authorized to erect and maintain a dam not exceeding eight feet in height above common low water mark, across the Grand river on section thirty-three in town six north of range five west, in the county of Ionia.

Duties of owners, &c.

Sec. 2. The owners or occupants of said dam shall construct a good and convenient lock, at least eighty feet long and eighteen feet wide, for the passage of all boats, barges, rafts or other water craft that may navigate said river, and the said lock shall be so constructed as to receive such boats and other water craft in slack water, of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam for all the purposes of the navigation of said river at all times, whenever the circuit or county court shall order the same to be done upon good cause being shown : *Provided,* That at the time of the construction of said dam, there shall be constructed therein or thereat, a convenient shute or slide for the convenient passage of all craft navigating said river.

It is.

Sec. 3. It shall be the duty of the owners or occupants of said dam at all times to keep said lock and shute in good repair, and to pass any water craft through the dam free of tolls and without unnecessary delay ; and any person who shall be detained, shall be entitled to recover of the said owners or occupants of said dam, double the amount of damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with the costs of the suit or suits.

Trespass on dam &c.

Sec. 4. Any person who shall destroy or in any wise injure said dam, lock or sluice, shall be deemed to have committed a trespass on the owners or occupants thereof, and be liable accordingly; and any person who shall wilfully or maliciously destroy or injure the said dam, locks or sluice, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine and imprisonment, in the discretion of the court.

Sec. 5. Nothing herein contained shall authorize the persons named in the first section of this act, their heirs or assigns to enter upon or flow the land of any person or persons without their consent, and the legislature may at any time hereafter, alter, amend or repeal this act. Rights reserved.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved February 28, 1849.

[No. 51.]

AN ACT, to amend an act entitled "an act to incorporate the New Baltimore and Romeo Plank Road Company," approved April 3, 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act entitled an act to incorporate the New Baltimore and Romeo plank road company, approved April 3, 1848. be, and the same is hereby amended by striking out in the first section thereof the names of "Aldis L. Rich," and "Asahel Baily," and insert therein the names of "Alfred Ashley, Junior," and "Joseph Hubbard," so that said section two, when amended, will read as follows: New Baltimore and Romeo plank road company charter amended.

"Section 1. Be it enacted by the Senate and House of Representatives of the state of Michigan, that Alfred Ashley, Alfred Ashley Junior, and Joseph Hubbard, be and they are hereby appointed commissioners under the direction of a majority of whom, subscriptions may be received to the capital stock of the New Baltimore and Romeo plank road company, and the subscribers thereto, and such persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the New Baltimore and Romeo plank road company, with corporate succession."

IBM.

Sec. 2. The second section of said act is hereby amended by striking out the words "St. Clair," in the third line of said section and inserting therein the word "Macomb," so that said section two, when amended, will read as follows :

IBM.

"Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road and all necessary build-

IBM.

ings, from the village of New Baltimore, now Ashley, in the county of Macomb, on the most eligible route to the village of Romeo, in the said county of Macomb."

1848

Sec. 3. That said company are hereby authorized to erect toll gates on said road when the same shall be completed from the village of Ashley to the Fort Gratiot turnpike, and are hereby authorized and empowered to collect and receive tolls upon said road when so completed, pro rata, according to the distance, pursuant to the act relative to plank roads, approved March 13, 1848.

Sec repeal'd

Sec. 4. That section five of the act to which this act is amendatory, be and the same is hereby repealed.

Time for receiving subscriptions extended.

Sec. 5. That the time for commencing proceedings, opening books and receiving subscriptions under the act to which this act is amendatory, is hereby extended for the term of two years from and after the passage of this act.

Gener'l provisions.

Sec. 6. That the provisions of an act entitled an act relative to plank roads, approved March 13, 1848, shall be and they are hereby made a part of this act, and the act to which this act is amendatory.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 28, 1849.

[No. 52.]

AN ACT to amend chapter thirty-eight of the revised statutes of eighteen hundred and forty-six.

Chap. 38 of R S amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter thirty-eight of the revised statutes of eighteen hundred and forty-six be, and the same is hereby amended by adding thereto a section to be numbered thirty-four, as follows:

Distinction between town and county poor may be restored in certain cases.

Sec. 34. Whenever, at the annual meeting of the board of supervisors of any county, two thirds of all the supervisors elected shall vote to restore the distinction between town and county poor, a record of such vote shall be made by the clerk of such county, and thereafter the system of maintaining the poor by townships, as it existed by law on the twenty-eighth day of February, A. D. one

thousand eight hundred and forty-six, shall be deemed as adopted and of force in such county: *Provided*, That by a similar vote of two-thirds, the supervisors of such county may restore the provisions of chapter thirty-eight of the revised statutes.

Sec. 2. That all monies received by the clerks of each township under the provisions of section twenty-three, chapter forty-one of the revised statutes of one thousand eight hundred and forty-six, shall be paid over by such clerk to the county treasurer within thirty days after the receipt thereof, and the county treasurer shall give the person paying such money a receipt for the amount paid in the name of the township from which it was received, and said treasurer shall credit said township with the amount of money received which shall apply on account of any charges made against such township for the relief and support of their poor as is provided by law.

License money rec'd by town clerks to be paid to Co. treasurer.

Sec. 3. If any township shall not be charged with the relief or support of any township poor by the time of the annual meeting of the board of supervisors in each year, or if the charges made by the county treasurer against any township do not amount to the sum or sums paid into the treasury by such township, then the balance found due each township respectively up to that time shall be deducted from the amount of state and county tax apportioned to each of the respective townships to which the county treasurer stands indebted.

Townships charged or credited with certain balance of license moneys.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 1, 1849.

[No. 53.]

AN ACT to provide for obtaining returns from the Prosecuting Attorneys of the several Counties in the State of Michigan, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the attorney general be, and he is hereby required to furnish to the several prosecuting attorneys in the state of Michigan all necessary blanks, to enable them to make uniform reports in conformity to the provisions of the fifty-

Duty of attorney gen'l in furnishing blanks.

sixth section of chapter fourteen of the revised statutes of eighteen hundred and forty-six.

Approved March 1, 1849.

[No. 54.]

AN ACT authorizing the erection of a dam across Flat river.

Dam authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That Cyprian S. Hooker be and he is hereby authorized to erect and maintain a dam across Flat river, on section two, town six north of range number nine west.

Height and description of dam.

Sec. 2. That said dam shall not be more than five feet in height and shall have constructed therein a shoot or slide, so as to permit the free passage of all boats, rafts and other water crafts, navigating said river, which shoot or slide the said Cyprian S. Hooker, his heirs or assigns, shall keep in good repair.

Sec. 3. The legislature may at any time, alter, amend or repeal this act.

Rights of persons and of the university fund reserved.

Sec. 4. Nothing herein contained shall permit the said Hooker to enter upon or to flow the lands of any other person or persons, without the consent of such person or persons, *Provided*, That if the dam shall flow any part of the university lands, the said Hooker shall pay the minimum price per acre for the land so flowed; that said land shall be surveyed by the county surveyor of Kent county, at the request and at the expense of the said Hooker; and when said land shall be so surveyed, the said surveyor shall give to said Hooker a certificate under his official signature, setting forth the number of acres so flowed, and a description thereof, by routes and bounds, courses and distances, and upon presentation of said certificate, and payment for said lands, at the price aforesaid, to the commissioner of the land office, within nine months from the date of this act, the said Hooker shall be entitled to a certificate and patent, pursuant to the law regulating the sale of the university lands.

Sec. 5. If at any time hereafter, the water should be required to be drawn from said river for the purposes of internal improvement or navigation, it shall not be lawful for the said Hooker, his heirs or assigns, to recover any damages therefor.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 2, 1849.

[No. 55.]

AN ACT to amend an act entitled "an act to incorporate the Flint and Saginaw Navigation Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section three of an act entitled an act to incorporate the Flint and Saginaw navigation company be amended by inserting after the words "the Shiawassee river," "and the said company shall also have power to construct a canal, from some point on the Flint river, to some point on the Cass river, and to make such improvements in the Cass river as will render the same navigable, according to the provisions of this act."

Flint & Saginaw Navigation company charter amended

Sec. 2. That section six of said act be amended by striking out all of said section after the words, "if the said corporation shall not," and inserting the words "on or before the first day of October, in the year of our Lord one thousand eight hundred and fifty-two," expend one-tenth part of the capital stock in the works necessary for navigating said river, and within seven years thereafter complete the clearing, locking and daming of said river, so that it shall become navigable as aforesaid from the village of Flint to the mouth of said river, or by a canal to the Cass river, then said company shall forfeit all rights to so much of said river as shall not be improved.

ibid.

Approved March 2, 1849.

[No. 56.]

AN ACT to amend the charter of the city of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That in addition to the tax now authorized to be levied by the charter of said city, the common council of said city shall have power in the manner prescribed by the said charter, or any amendment thereof, to cause to be levied and collected, a sum not exceeding sixteen thousand dollars, as follows:

Common council of Detroit authorized to levy certain tax.

for the year eighteen hundred and forty-nine, a sum not exceeding eight thousand dollars, and for the year eighteen hundred and fifty, a further sum not exceeding eight thousand dollars: *Provided*, That the consent of the taxable inhabitants of said city to the proposed levy, be first obtained at a public meeting of said taxable inhabitants, to be convened by the proclamation of the Mayor of said city: *And provided further*, That the said sums, or any part thereof, so raised, shall be applied in payment of the city debt, and the interest thereof, and to no other purpose.

Sec. 2. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

Sec. 3. This act shall take effect from and after its passage.

Approved March 2, 1849.

[No. 57.]

AN ACT relative to certain taxes in the township of Norton, in the county of Ottawa.

Township
treasurer of
Norton to
credit W M
Ferry with
cert'n sums.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the treasurer of the township of Norton, county of Ottawa, be and he is hereby authorized and required to credit William M. Ferry upon the tax roll now in his hands the sum of seventy-eight dollars sixty-five cents, at any time when the said Ferry shall pay the balance of the tax assessed and charged to him on the tax roll of said township, and when said balance shall be paid as aforesaid, it shall be the duty of the township treasurer to give to said Ferry a receipt in full for all taxes assessed upon his property in said township, for the year A. D. one thousand eight hundred and forty-eight.

Re-assess-
ment of said
sum.

Sec. 2. It shall be the duty of the proper officers of the township of Norton (as now organized by law, or as it may be hereafter organized) to assess upon all the taxable property of said township the said sum of seventy-eight dollars sixty-five cents, with the annual taxes of one thousand eight hundred and forty-nine, and that said township treasurer shall pay over all monies to the county treasurer, all the monies as directed by his warrant affixed to the said tax roll.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1849.

[No. 58.]

AN ACT to attach certain portions of the township of Hamtramck in the county of Wayne, to the township of Grosse Point, in said county.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all that part of the township of Hamtramck, lying east of a line commencing at a point on the Detroit river where the westerly line of private land claim number seven hundred and twenty-five, "according to a plat made by E. A. Hathon," touches said river, thence following said westerly line north-westerly, to the south line of fractional section number twenty-two, thence along said south line, easterly to the east line of said section, thence northerly along said east line, and along the east line of section number fifteen, to intersection with the present boundary line of said township of Grosse Point, shall be, and the same is hereby set off from the township of Hamtramck, and attached to the township of Grosse Point, in said county of Wayne.

Portion of Hamtramck attached to Grosse Point

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1849.

[No. 59.]

AN ACT requiring the Commissioner of the State Land Office to make an Annual Report to the Regents of the University of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the commissioner of the land office shall make out and transmit to the secretary of the board of regents of the university, by the first day of July next, an accurate statement of each and every parcel of university land that shall have been sold up to that date, and the price for which it was sold. Also, of all forfeitures and re-sales, with an amount of the loss or gain attending such forfeitures and re-sales, and also, an amount or list of each parcel of university land unsold.

Commissioner's state land office to make report to sec'y of board of regents.

Sec. 2. Said commissioner shall annually thereafter, report to the board of regents, all sales and forfeitures of university lands, with an amount of the receipts and expenditures attending the same.

Annual report to regents.

Sec. 3. Said commissioner shall also report annually, the expenses lawfully charged to and deducted from the university interest fund, together with the nett income.

Sec. 4. Said commissioner shall with each of his reports, furnish an accurate statement of all monies loaned from said fund, to whom loaned and when payable, with the interest annually paid thereon, and the annual interest due and unpaid. Also, the amount of internal improvement warrants paid for university lands, with the annual interest paid thereon by the state.

Sec. 5. The regents of the university shall severally be entitled to receive from the secretary of state, in the same manner as other public officers, a copy of the annual laws of the State.

Sec. 6. This act shall be in force from and after its passage.

Approved March 3, 1849.

[No. 60.]

AN ACT to Incorporate the "Northville Hydraulic Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Alonzo Plumsted, Abram A. Gardner, Sylvester Cochrane and Stephen Amsbarree, their successors and associates, are hereby created for the term of twenty-five years, from and after the first day of January eighteen hundred and forty-eight, a body corporate by the name of the "Northville hydraulic company," for the purpose of supplying the village of Northville, in the county of Wayne, with water from a spring about one mile distant from said village, capable of exerting all the powers, entitled to all the privileges, subject to all the duties and liabilities specified in the statute, prescribing the general provisions for corporations, except so far as the same may be modified and controlled by the terms of this enactment.

Sec. 2. The capital stock of said corporation shall not exceed the sum of five thousand dollars in shares of ten dollars each, transferable on the books of said company, and in such manner as may be provided by the by-laws thereof.

Sec. 3. Said company hereby created shall have power to conduct water from said spring into said village of Northville, under ground, along the highway and streets of said village on the lands

of the persons owning the same, between said spring and said village of Northville: *Provided*, They first obtain the consent of the owners of said spring and said lands.

Sec. 4. Said corporation shall have a treasurer and clerk and ^{Officers.} such other officers and agents as the members of the corporation may determine, to be appointed in such manner and for such terms as the by-laws of said corporation may prescribe. The clerk shall be sworn to the faithful discharge of his duties as the same may be prescribed in said by-laws, and the treasurer shall give bond in such a sum and with such sureties as said by-laws may prescribe, for the faithful discharge of his duty.

Sec. 5. The amount of capital stock shall be fixed and limited by the corporation in the manner prescribed by the by-laws, not ex- ^{Certificates of stock.} ceeding five thousand dollars, and shall be divided into shares, and a record thereof be made by the clerk; said shares shall be numbered in progressive order, beginning at number one, and every stockholder shall have a certificate, under the seal of the corporation, and signed by the treasurer, certifying his property in such share as shall be expressed in the certificate; and all new stockholders to said corporation, shall be under all the liabilities and possess all the privileges of the original stockholders.

Sec. 6. Any shares may be transferred by the proprietor thereof ^{Transfer of shares.} by a deed under his hand and seal, acknowledged by an officer duly authorized by law to take acknowledgments of deeds, and recorded by the clerk of the corporation, in a book to be kept for that purpose, and the purchaser named in such deed so recorded, shall, on producing the same to the clerk and delivering to him the former certificate, be entitled to a new certificate, and from the entry of such transfer the new stockholder shall be under all the liabilities and possess all the privileges of the original stockholder.

Sec. 7. Said corporation may from time to time at any regular ^{Assessments on shares.} meeting called for that purpose, assess upon each share such sums of money as the corporation shall think proper, not exceeding in the whole, the amount at which such share shall be originally limited and such sums so assessed shall be paid to the treasurer at such times and in such instalments as the corporation may direct.

Sec. 8. All the members of said corporation shall be jointly ^{Liabilities of corporations.} and severally liable for all debts and contracts made by said corporation, provided that the corporate property shall be exhausted before the private property of any member of said company shall be

taken: and a certificate signed and sworn to by the clerk and treasurer, setting forth the amount of capital stock paid in, shall be filed and recorded in the office of the register of deeds for said county of Wayne.

Debts of the company.

Sec. 9. The whole amount of debts which said corporation shall at any time owe shall not exceed the one half of the amount of its capital stock actually paid in, and the clerk of said corporation shall at all times keep a record containing a true and correct account of all the debts due and owing from said corporation, and of the amount of capital stock paid in, which record shall at all times be open to public inspection.

Real estate.

Sec. 10. Said corporation shall have the power to purchase and hold lands, rights of way and other real estate, to the amount of two thousand dollars.

Right of amendment, repeal, &c.

Sec. 11. The legislature may at any time alter, amend or repeal this act, for any violation of the provisions of this charter; and it shall not be lawful for said company to use their funds or any part thereof in any banking transactions, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank or in the purchase of any public stock whatever, or for any purposes other than those herein particularly specified; and the said company shall be subject to the provisions of chapter fifty-five of the revised statutes of 1846, so far as the same are applicable and not inconsistent with the provisions of this act.

1st meeting.

Sec. 12. The first meeting of said corporation shall be called by a notice signed by one or more of the persons named in this act, setting forth the time, place and purpose of the meeting, and such notice shall, at least three days before the meeting, be delivered to each member thereof.

Approved March 5, 1849.

[No. 61.]

AN ACT to incorporate the Detroit Savings Fund Institute.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* Elon Farnsworth, David Smart, John Palmer, Zina Pitcher, Charles Moran, Shubael Conant, B. B. Kercheval, Levi Cook, James A. Hicks, George M. Rich and Gurdon Williams and their successors, are constituted a body corporate and politic, by the name of the Detroit savings fund institute.

Sec. 2. The real estate which it shall be lawful for said corporation to take, hold and convey shall be only, Authorized to hold certain real estate.

1st. Such as shall be necessary and convenient for an office or place for the transaction of its business.

2nd. Such as shall be mortgaged or otherwise conveyed to it, as security for money loaned or some other indebtedness.

3d. Such as shall be conveyed to it in payment of indebtedness, or which shall be purchased by it at sales under judgments or decrees recovered by or belonging to said corporation.

And said corporation shall not buy, sell, hold or trade in any goods or wares whatever: *Provided however*, That this shall not be construed to apply to goods or personal property which it may acquire as security for, or in payment of indebtedness to it, or which may be necessary or convenient for the transaction of its business.

Sec. 3. The business and property of said corporation shall be managed by a board of trustees, eleven in number, and who shall at their first meeting, and as often thereafter as may be necessary, elect from their number a president and vice president. The several persons named in the first section of this act, shall be the first trustees: and all vacancies in said board shall be filled at the next regular meeting thereof, after such vacancy shall arise, and the person receiving the majority of the votes of the trustees present, shall be duly elected. Six trustees shall constitute a quorum of said board, for the transaction of all ordinary business. Officers of the corporation.

Sec. 4. Said corporation shall receive on deposit, all such sums of money as shall from time to time be offered by tradesmen, mechanics, laborers, servants, minors and others, for the purpose of being invested in any public stock, or upon bond and mortgage, or other security, according to the provisions of this act. And such deposits shall be repaid to each depositor, or his lawful representatives when required, at such times and with such interest and under such regulations as the board of trustees shall from time to time prescribe: which regulations shall be printed and conspicuously posted, in some place accessible and visible to all, in the business office of said corporation, and no alteration which may at any time be made in such regulation, shall in any manner effect the rights of a depositor in respect to deposits made previous to said alteration. May receive deposits. Duties of corporation in respect to depositors.

Sec. 5. The board of trustees may invest deposits made with them, and profits accruing thereon in any public stock of the United States or of the state of Michigan, or upon bond secured by mortgage How deposits may be invested.

upon unincumbered real estate, worth at least double the amount loaned, or upon any other security which shall be deemed by the board to be amply sufficient: *Provided*, That no loan or investment shall be made on any class of securities not specifically mentioned above, except with the approval of at least five of the trustees.

No officers
of the cor-
poration
may borrow
or use its
funds.

Sec. 6. No trustee or officer of said corporation shall directly or indirectly borrow any of the funds of said corporation, or in any manner use any of said funds, except in the lawful business of said corporation. All certificates or evidences of deposit made by the proper officers shall be as effectual to bind the corporation, as if made under the common seal thereof. But said corporation shall not issue any bill or note to circulate as money. Any trustee, officer or agent of said company who shall use any of the funds except as in this act provided, or issue or cause to be issued any bill or note designed or intended to be circulated as money, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the state prison not more than ten years, and by fine not exceeding ten thousand dollars, or both, in the discretion of the court.

Penalties.

Rate of in-
terest to de-
positors.

Sec. 7. It shall be the duty of the board of trustees from time to time, to regulate the rate of interest to be allowed to depositors, so that they shall receive a rateable proportion of all the profits of said corporation, after deducting the necessary expenses: and they shall annually make a report to the legislature of this State, on or before the first day of January, of all the funds and investments of the corporation.

Misnomer
n't to vitiate
Deed, &c.

Sec. 8: A misnomer of said corporation, in any deed, gift, grant or other instrument, contract or conveyances, shall not vitiate the same, if the corporation shall be sufficiently described to declare the intentions of the parties.

Rights of
minors.

Sec. 9. When any deposit is made by a person being a minor, the said corporation may pay to such depositor, such sums as may be due to him, although he have no guardian: and the receipt or acquittance of such minor shall be in all respects valid in law.

General pro-
visions.

Sec. 10. Said corporation shall be subject to the provisions of chapter fifty-five, title ten, of the revised statutes of 1846. This act shall take effect from and after its passage, and the legislature may at any time alter, amend or repeal this act.

Approved March 5, 1849.

[No. 62.]

AN ACT to incorporate the trustees of Elmwood Cemetery.

Whereas, Henry Ledyard, Charles C. Trowbridge, John Owen, Israel Coe, John S. Jenness and Alexander D. Fraser, of the city of Detroit, have purchased a tract of land (on Bloody Run,) in the vicinity of Detroit, in which they have laid out a rural cemetery, now known as "Elmwood Cemetery," and used as a place of interment, which they have improved and ornamented, and contemplate continuing to do so, with the money to be realized from the sale of lots; that in order to facilitate these objects, it is desirable that they should be incorporated as a body politic: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the said Henry Ledyard, Charles C. Trowbridge, John Owen, Israel Coe, John S. Jenness and Alexander D. Fraser, and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of the "Trustees of Elmwood Cemetery," and by that name to have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all suits, complaints, matters and causes whatsoever, in any court of law or equity, in this state; and to have a common seal, and to make all such by-laws, rules and regulations (not repugnant or contrary to the law of the land) as they may deem necessary, relative to said cemetery, and the good government and management thereof.

Sec. 2. That said trustees shall elect one of their own number as president, another as secretary, and another as treasurer; that in case of the death, resignation, or removal of any of the trustees, from the county of Wayne, the other members shall elect a suitable person to supply every such vacancy; and vacancies happening in any of said offices, from any of said causes, shall be filled in the same manner; that said trustees may from time to time appoint a superintendent and such other officers or agents as they may deem necessary.

Sec. 3. The said corporation may hold, for the purposes contemplated by this act, such real estate as they now possess, and may purchase and hold such other real estate as may be necessary to effectuate the purposes aforesaid; that the title to lots in said cemetery may be passed by a certificate to be signed by the president and

countersigned by the secretary, under the corporate seal, but always subject to the by-laws, rules and regulations which have been, or may be, adopted by the trustees; that all certificates heretofore granted for lots shall have the same legal effect; that the plat of said cemetery, to be adopted by the trustees, or the avenues, roads, or walks, or grounds laid off and reserved for shrubbery or other ornamental purposes, shall never be subject to be changed or al-

Plat of cemetery shall not be altered.

tered; and all monies to be realized from the sale of lots, after paying the original purchase price of said land, it shall be applied to the improvement of said cemetery. All lands now held or which may hereafter be acquired by said corporation, for the purposes aforesaid, shall be forever exempted from all public taxes and assessments, and from all liability to be sold on execution or for the payment of debts by assignment under any insolvent law. The said corporation may hold in trust any donation or bequest of property, and may apply the same or the income thereof in the improvement or embellishment of the cemetery, or for the erection, repair, preservation and renewal of any tomb, monument, or fence, or for the planting or cultivation of trees, shrubs, flowers, plants, in and around any cemetery lot, or for the improvement of said premises in any other form or manner conformable to the terms of said grant or bequest.

Corporation may hold certain property for specific purposes.

Penalty for trespasses.

Sec. 4. If any person shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure, or thing placed or designed for a memorial of the dead, or any fence, railing, curb or other thing intended for the protection or for the ornament of any tomb, monument, gravestone or other structure before mentioned, or of any enclosure for the burial of the dead, or shall wilfully destroy, mutilate, remove, cut, break or injure any tree, shrub or plant, placed or being within or around any such enclosure, the person so offending shall be punished by fine not exceeding five hundred dollars nor less than ten dollars, or by imprisonment in the county jail not more than one year.

Sec. 2. This act shall take effect and be in force from and after its passage, and shall be subject to the provisions of chapter fifty five of the revised statutes.

Approved March 5, 1849.

[No. 63.]

AN ACT authorizing Abram Smith and John W. Russell to erect a dam across Grand River, in the county of Eaton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Abram Smith and John W. Russell, be and they are hereby authorized to erect and maintain a dam across Grand river, in the county of Eaton, on section eleven in the township of Oneida. Dam authorized.

Sec. 2. That said dam shall not be more than six feet in height above common low water mark, and shall have constructed therein a shute or slide, so as to permit the free passage of all boats, rafts, and other water crafts navigating said river, which shute or slide shall be constructed in said dam at the time of the erection thereof, and the said Smith and Russell, their heirs or assigns, shall keep the same in good repair. Description of dam.

Sec. 3. The legislature shall have the power at any time hereafter to alter, amend or repeal this act.

Sec. 4. Nothing herein contained shall permit the said Smith and Russell to enter upon or flow the lands of any other person or persons without the consent of such person or persons. Rights of persons reserved.

Sec. 5. If at any time hereafter the water should be required to be drawn from said river for the purposes of internal improvement or navigation, it shall not be lawful for the said Smith and Russell, their heirs or assigns, to recover any damages therefor. Waters may be taken for Int. Imp. purposes.

Sec. 6. Any person who shall destroy, or in any wise injure said shute or slide, shall be deemed to have committed a trespass upon the owners thereof, and be liable accordingly; and any person who shall wilfully or maliciously destroy or injure said shute or slide shall be deemed guilty of a misdemeanor, and on conviction thereof be punished by fine and imprisonment in the discretion of the court. Trespasses on dam, &c. & penalties therefor.

Approved March 5, 1849.

[No. 64.]

AN ACT to incorporate the Ohio Trap Rock Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Joshua Hanna, E. W. Stephens, Wm. K. Hart, Leonard Hanna, Robert S. Hays and Levi Incorporation of company.

Hanna, with others that may become associated with them, are hereby constituted a body corporate by the name of the Ohio Trap Rock mining company, for the purpose of mining, smelting and manufacturing ores, minerals and metals, on the upper Peninsula of the state of Michigan.

Sec. 2. That said company shall have a corporate succession.

Its capital
stock, real
estate, &c.

Its capital stock shall be one hundred and fifty thousand dollars, divided into six thousand shares of twenty-five dollars each, and said company may acquire and hold such real and personal estate on the upper Peninsula of Michigan as the business of said company may require, to an amount not exceeding one hundred and fifty thousand dollars.

Officers of
the comp'y.

Sec. 3. The officers of said company shall consist of a president and five directors, of which the president shall be one, each owning in his own right not less than thirty shares of the capital stock of said company, a secretary and treasurer, which may at the option of the company, be the same individual, and said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessments in such manner as said company may by its by-laws establish: *Provided*, That one of the directors of said company shall at all times be a citizen resident of the state of Michigan, upon whom service of all process against said company, may be made, and the same shall be deemed a valid service thereof upon the said Ohio Trap Rock mining company: *Provided*, That until the first annual meeting of said company, after its organization under this act, Joshua Hanna, and Wm. K. Hart, of the city of Pittsburgh, Pa., E. W. Stephens, of the city of Wheeling, Va., Leonard Hanna, of New Lisbon, Ohio, and Levi Hanna, of Eagle River, Michigan, shall be and continue, and they and their successors are expressly constituted directors of said company, and shall have and exercise all the powers, and be subject to all the duties and restrictions imposed upon the directors to be chosen under this act.

Service of
process on
company.

Annu'l state
tax.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company, and for that purpose, the president and secretary thereof, shall, on the

first day of January in each year, or within fifteen days previous thereto, make under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company; and also the whole amount of money which has been borrowed by said company during the preceding year, or which shall remain due upon any previous loan, which tax shall be in lieu of all taxes on the personal and real estate of said company; and any investment of any portion of the nett profits of said company shall be considered as so much capital paid in, and returned to the state treasurer accordingly.

Annual report of officers

Sec. 5. It shall be lawful for said company, whenever they shall deem it expedient, to locate, lay down and construct a rail road from their mines either to the main branch of the Ontonagon river below the rapids, or to the southern shore of lake Superior, at or near the mouth of said river; and it shall be lawful for said company to enter upon and occupy any intervening lands for that purpose, and to take, carry away and use any earth, stone, timber or other materials that may be necessary to construct, build and maintain said road: *Provided*, That said company shall first obtain the consent of the owners of such lands so to locate and construct said road: *Provided further*, That said company shall have the right to charge to other companies or individuals for transportation on said road not to exceed treble the minimum amount of tolls which shall at the time be charged by the Michigan Central rail road: *Provided*, That if a plank road shall be deemed most advisable by said company, the said road shall be made and governed in all respects by the act incorporating the Detroit and Birmingham plank road company of this state, so far as the same may be applicable, and the rate of toll not to exceed treble the amount of tolls charged by the said Detroit and Birmingham plank road company.

Company authorized to construct railroad for certain purposes.

Sec. 6. The first meeting of said company shall be at such time and place as shall be named by any three of the corporators, thirty days notice of which shall be given in some newspaper published in the city of Detroit; and within six months after the first election of directors, they shall fix upon some place in the state of Michigan to locate a business office and file a notice of such location with the Secretary of State. All annual and other meetings shall be at such times and places as shall be fixed by the by-laws of said company.

1st meeting.

Business office.

Lien of in-
habitants of
this state, &
how enfor-
ced.

Sec. 7. Any inhabitants of this state shall have a lien upon the property of said company for all sums under one hundred dollars, originally contracted within this state, which lien shall take precedence of all other claims or liens whatever, upon the property of said company, and any person may enforce the said lien by filing with any court having jurisdiction thereof, an affidavit showing to the satisfaction of such court, that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of such company, and the same proceedings may be thereupon had as in other cases.

Sec. 8. Said company shall be entitled to the benefit and subject to the restrictions of chapter fifty-five of the revised statutes of this state, of eighteen hundred and forty-six, so far as the same shall be applicable and not inconsistent herewith.

Sec. 9. This act shall take effect and be in force for thirty years from and after its passage, and the Legislature may at any time, alter, amend or repeal this act by a two-thirds vote, or at any time for a violation of its provisions: *Provided*, That it shall not be lawful for said company to use their funds or any part thereof in any banking, brokerage or exchange business, or in buying or selling money or bank notes, or in any other business than that contemplated in this act.

Approved March 5, 1849.

[No. 65.]

AN ACT to provide for laying out and establishing a state road from Richland, in Kalamazoo county, to Hastings, in the county of Barry.

Commiss'rs
appointed to
lay out a
state road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Nicholas Campbell, Hiram Tillotson and Seth Demick, be and they are hereby authorized and appointed commissioners to lay out and establish a state road, commencing at a point near the house of Timothy Mills, in Richland, in the county of Kalamazoo, thence on the most eligible route to some point in the village of Hastings, in the county of Barry.

Duty of
commiss'rs.

Sec. 2. The commissioners named in this act, shall file so much of the survey of said road as may be embraced in any township

through which the same may pass, in the town clerk's office, in said township, which survey shall be entered on record by the clerk of said township.

Sec. 3. The state shall not be chargeable for the laying out and establishing of said road, or for any expenses or damages whatever connected therewith: and this act shall be void as to said road, unless the same shall be laid out, surveyed and recorded within three years from and after the passage of this act.

State n't liable for cost or damage, &c.

Sec. 4. It shall be the duty of the highway commissioners of the several townships through which the road to be established by this act may pass, to cause the same to be opened agreeably to the actual survey as ordered and established by said commissioners, in the same manner as is provided by law for the opening of other roads in the several townships of this state.

Duties of highway comm'rs of certain towns.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1849.

[No. 66.]

AN ACT to amend chapter twenty-four of the Revised Statutes of one thousand eight hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any commissioner of highways be and is hereby authorized to administer the oath required by section seventeen of chapter twenty-four of the revised statutes of one thousand eight hundred and forty-six.

Sec 17 chap 24 of R S amended.

Approved March 6, 1849.

[No. 67.]

AN ACT to amend section thirteen of chapter sixty-six of the Revised Statutes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section thirteen of chapter sixty-six of the revised statutes be and the same is hereby amended by striking out the words "a minor," in the third line of said section, and inserting in lieu thereof, the words "under guardianship," so that said section will read as follows, viz: "a married woman residing within this state may bar her right of dower in any estate con-

Sec 13 chap 66 of R S amended.

veyed by her husband, or by his guardian, if he be under guardianship, by joining in the deed of conveyance, and acknowledging the same as prescribed in the preceding chapter, or by joining with her husband in a subsequent deed, acknowledged in like manner."

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 6, 1849.

[No. 68.]

AN ACT to incorporate the Minesota Mining Company.

Incorpora-
tion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel O. Knapp, Enoch C. Roberts, William Hickok, Wm. Pearsall, jr., Daniel A. Galloway, Charles Edgar Smith, and others who shall become associated with them, are hereby constituted a body corporate by the name of the Minesota mining company, for the purpose of mining, smelting, assaying and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan, and in such other place or places within the state as said company may hereafter determine upon.

Capit'l stock
and real es-
tate.

Sec. 2. The said company shall have corporate succession; its stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding three hundred thousand dollars.

Officers of
company,
assessment
on shares,
&c.

Sec. 3. The officers of said company shall consist of a president, a board of six directors, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessments, in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said company.

State tax,
annual re-
port, &c.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company;

and also upon all sums of money borrowed by said company and remaining unpaid at the time of the annual report hereinafter mentioned, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof, shall on the first day of January in each year, or within fifteen days previous thereto, make, under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which has been actually paid in, in the capital stock of said company, and also the whole amount of money which has at any time been borrowed by said company, and which remains unpaid at the time of said report; and said tax shall be in lieu of all other state taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company; and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the state treasurer hereinbefore required: *Provided*, That in no case shall the same money be taxed both as money borrowed and as capital paid in.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any four of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting. 1st meeting of company.

Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company, arising upon contract, express or implied, to the amount of one hundred dollars or under, originally contracted within this state; which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages, against said company, except liens or mortgages against the property of said company, given for the purchase money thereof. And any person may enforce the said lien by filing with any court having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section, and such court may thereupon issue an attachment against the property of such company, and the same proceedings may be thereupon had as in other cases. Lien of inhabitants of this state, how enforced, &c.

Sec. 7. Said company shall be subject to the provisions of chap- General provisions.

ter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Business office of company.

Sec. 8. The said company shall within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office for said company, within the territorial limits of the state of Michigan; and file in the office of the secretary of state a certificate specifying the place of such location; and all annual and other meetings of said company, shall be held at such place as the by-laws of the company may designate and direct.

When its contracts to be under seal, &c.

Sec. 9. The said company shall have a corporate seal; and any instruments of conveyance, or contracts usually requiring a seal, given or entered into by said company, shall be signed by the president and secretary, and shall be attested by its corporate seal; but no such conveyances or contracts shall be valid unless authorized by a regular meeting of the members of said company or by its by-laws; and each share of the capital stock of said company, shall in all cases entitle the owner thereof, to one vote.

Powers of corporation.

Sec. 10. The said company, shall have and possess all the powers necessary for carrying out the purposes of its organization, where the exercise of such powers would not be contrary to law: *Provided always*, That nothing in this act contained, shall be construed to confer on said company any banking powers or banking privileges; and it shall not be lawful for said company to use its funds or any part thereof, in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, (except so far as the same may be necessary in the prosecution of its ordinary business) or for any other purposes than these specified in this act, for the purpose of carrying out the legitimate objects of the organization of said company.

Duration of charter, final dividend, &c.

Sec. 11. This act shall continue in force for thirty years from and after its passage; and whenever the existence of the said company shall terminate, whether by lapse of time or otherwise, its property shall be sold by, or under the direction of its last board of directors, and the proceeds thereof, after all payment of debts, divided among the stockholders in proportion to the amount of stock held by them respectively; and the existence of said company, and the authority of its board of directors is hereby declared to be continued for the period of one year after the termination of said company for other purposes, for the purposes declared in this section.

Approved March 7, 1849.

[No. 69.]

AN ACT to provide for laying out a state road from Ceresco Mills, in the township of Marshall, in the county of Calhoun, to Bellevue in Eaton county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John D. Pierce, John Markham and Lemuel L. Dawns, be, and they are hereby authorized and appointed commissioners to lay out and establish a state road from Ceresco Mills, in the town of Marshall, on the township line, or as near thereto as may be, between the townships of Marshall and Emmett, to the north-west corner of the township of Marshall, thence on the main road to Bellevue, in Eaton county.

Comm'rs-
appointed to
lay out state
road.

Sec. 2. The above named commissioners shall file so much of the survey of the above named road in the office of the township clerk of each township through which the said road shall pass, as shall be laid out in such townships, and it shall be the duty of the several township clerks to record the same in their respective township's book, and post the notice required by law.

Duties of
commis'srs.

Sec. 3. That it shall be the duty of the commissioners of highways of the several townships through which said road may pass, to open and work said road in the same manner and by virtue of the same law as township roads are required to be opened and worked.

Duty of cer-
tain high-
way com-
missioners.

Sec. 4. The state shall not be liable for any expenses incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding section of this act, shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

State not
liable for
costs or
damages.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 7, 1849.

[No. 70.]

AN ACT to authorize Jacob Barns, guardian of Cornelius Barns, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jacob Barns, guardian of Cornelius Barns, a minor, of the county of Kent and state of Michigan, be and he is hereby authorized and empowered to sell and

Jac'b Barns,
guardian,
&c., autho-
rized to sell
certain real
estate with
consent of
prob'e judge

convey to Carlton Neal and James A. Rumsey, all the right, title and interest of the said minor in and to the following described pieces or parcels of land, to wit: the west half of the south east quarter and the east half of the south west quarter of section thirty-six, in township seven north of range twelve west, situate in the county of Kent and state of Michigan; which conveyance, when made, acknowledged and recorded in accordance with the laws of this state, shall be as effectual and valid as if the said Cornelius Barns, at the time of such conveyance, was of full age: *Provided*, That no such conveyance shall be of any effect unless the judge of probate of said county of Kent shall, under his hand and seal of his office, certify upon the back of said conveyance, his approval of the same.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1849.

[No. 71.]

AN ACT to amend section four of chapter eighty-eight, of the Revised Statutes of one thousand eight hundred and forty-six.

Sec 4, chap
8, R S a-
mended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four of chapter eighty-eight of the revised statutes of one thousand eight hundred and forty-six, be and the same is hereby amended by striking out the word "Mondays," at the end of the second and commencement of the third line of said section, and substituting in lieu thereof, the words "Tuesdays," and by striking out the word "Monday," in the third line and substituting in lieu thereof the word "Tuesday," so that said section will read,

"Sec. 2. There shall be four several terms of the supreme court held in each year, commencing as follows, to wit: on the first Tuesdays of January, May and July; and the third Tuesday of October; which said terms shall respectively be called the January, May, July and October terms of said court."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1849.

[No. 72.]

AN ACT to incorporate the North West Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Horace Greely, James G. Clark, George H. Thompson, Charles Schaffer and others who shall be associated with them, are hereby constituted a body corporate by the name of the North West Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than those herein particularly specified. Incorporation.

Sec. 2. The said company shall have corporate succession, its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each, and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock. Capital stock

Sec. 3. The officers of said company shall consist of a president and a board of six directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company, be one and the same person; and the said company may, by its officers, levy assessments on the shares of its stock, and forfeit and sell said shares for non-payment of any such assessment, in such manner as their by-laws shall prescribe: *Provided*, That until the first annual meeting of said company after its organization under this act, William Petit, James G. Clark, George H. Thompson and Charles Schaffer, of Philadelphia, Horace Greely, of New York, and Samuel Bars'ow, of Detroit, shall be and continue, and they and their successors are expressly constituted directors of said company, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act. Officers.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan, an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, the capital paid in to be reckoned as follows, viz: State tax, annual report, &c.

1. The amount paid to the United States government for mineral lands in the upper peninsula of the state of Michigan:

2. The amount of assessments that shall be levied and paid in after the purchase of said mineral property of the U. S. government, and

3. All monies borrowed by said company: which tax shall be paid on the first day of January in each year, and shall be estimated upon the last preceding report of said company, and for that purpose the president and secretary of said company, shall on the first day of December, or within fifteen days previous thereto, make under their hands a return to the state treasurer, verified by their several oaths or affirmations, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money, which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all state taxes upon the real estate of said company.

Co. authorized to construct rail road, &c.

Sec. 5. It shall be lawful for said corporation, whenever they may deem it expedient, to locate, lay down and construct a rail road from their mines to Eagle Harbor, or any other point on lake Superior, which they may deem most eligible as a place of deposit and shipment for their ores, metals and other commodities; and in every other respect, as to the right of way and materials, and in the construction and use of said rail road, the company shall be governed and regulated by the provisions of the act incorporating the Pontiac rail road company in this state, so far as the same may be applicable.

1st meeting.

Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of inhabitants, how enforced, &c.

Sec. 7. Any inhabitant of the state of Michigan shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company: and

any person may enforce said lien by filing with any court having jurisdiction thereof, an affidavit showing to the satisfaction of said court that he has a claim under the provisions of this section, and such court may thereupon issue an attachment against the property of such company, and the same proceedings may be thereupon had as in other cases.

Sec. 8. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of 1846, of this state, so far as the same may be applicable. General provisions.

Sec. 9. The said company shall, within six months after the passage of this act, by a vote of the board of directors, locate their business office or offices, one of which shall be in this state, and file in the office of the secretary of state (of Michigan) a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct. Business office.

Sec. 5. This act shall take effect and be in force for thirty years from and after its passage; and the legislature may at any time alter, amend, or repeal this act after the limitation thereof, by a two-thirds vote, or at any time for a violation of the provisions thereof. Duration of charter.

Approved March 10, 1849.

[No. 73.]

AN ACT to require the Supervisors of Berrien county to construct and maintain certain bridges in said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the board of supervisors of Berrien county are hereby required by a tax levied and collected in like manner as other county taxes are levied and collected, to erect and maintain five bridges across the river St. Joseph, within the limits of said county: one to be at the village of Bertrand; and one to be at the village of Niles; one to be at or near the mouth of McCoy's creek; one to be at the village of Barrien, and the other shall be at the village of Saint Joseph: *Provided,* That the county shall not be compelled to raise or contribute more than six thousand dollars Board of supervisors of Berrien Co. to raise certain sum of money for bridges in said county.

in any one year for the support of said bridges: *Provided*, That none of the expenses attending the construction or repairs of said bridges shall become a charge upon the state, nor shall the state become answerable in any wise for any damages arising from the construction of said bridges or any of them.

Voters of
Berrien Co.
to assent to
this act be-
fore it can
take effect.

Sec. 2. This act shall take effect and be in force from and after it shall have been ascertained that a majority of the legal voters of said county of Berrien have given their assent thereto. And to ascertain the views of said voters, this act shall be read at the next annual township meetings, by the township clerks of the several townships of said county; and the citizens of said towns shall vote viva voce upon the question, whether this act shall take effect; and the township clerks aforesaid shall make a return of the result of such voting to the county clerk of said county, who shall, together with the sheriff and county treasurer of said county, proceed to canvass said returns, and if they shall ascertain that a majority of the citizens of said county have voted for this act, then this act shall be in force and take effect from and after said canvassing.

Sec. 3. This act shall take effect from and after its passage.

Approved March 10, 1849.

[No. 74.]

AN ACT relative to State Printing.

Rate of al-
lowance for
state print-
ing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the printing for the state, including all that has been authorized for the present session of the legislature, shall be done by Messrs. Munger and Pattison, proprietors of the "Michigan State Journal," at the rate of twenty-seven cents per one thousand ems, and twenty-seven cents per token for press-work, until the first Monday of January next, which shall be in full for all printing to be done under contract with the state: *Pro-
vided*, The printing for the executive department shall be done at prices not exceeding those paid for similar work during the last year: *And provided also*, That the session laws shall be printed and ready for binding within fifty days after the adjournment of the legislature in each year; and all legislative documents and journals, within six months after such adjournment.

Provided.

Sec. 2. The auditor general shall draw his warrant on the state treasurer for such sums as may be due to such contractors, from time to time, reserving twenty per centum until all the work shall be performed. Warrants for am't due how drawn.

Sec. 3. There shall be elected at the general election to be hold-
en next November, and every two years thereafter, a state printer, Biennial election of state printer &c. who shall hold his office for the term of two years, from and after the first Monday of January thereafter, and who shall give a bond in the penal sum of ten thousand dollars, with two or more sureties, to be approved by the secretary of state. conditioned that such state printer will in a good and workmanlike manner, do and perform all the printing which may hereafter be required for the state of Michigan, for and during the term of two years, and which state printer, when so elected, shall do all and singular, the duties imposed by law on the contractors now performing the same, at a rate not exceeding twenty-seven cents per thousand ems, and twenty-seven cents per token, for press work; which amounts shall be fixed and determined by the next legislature, and shall remain in all respects unaltered for the period of two years thereafter, except in case of a failure of performance by such state printer, then it shall be competent for the governor of the state to employ other persons to do and perform the same; and in case of death, the governor shall appoint a state printer, who shall hold his office and perform all the duties of such printer until the next general election, after giving bonds as provided for in this section.

Sec. 4. The provisions of the revised statutes, relative to general and special elections for the office of governor and lieutenant governor, shall in all respects be applicable to, and govern the proceedings relative to the election of state printer; and the returns of such election for state printer shall be transmitted and the result determined in the same manner as those for governor and lieutenant governor. Election and returns thereof.

Sec. 5. The auditor general shall cause the statement of the lands to be sold in the counties of Clinton and Ingham, for the taxes in October, eighteen hundred and forty-nine, to be published in the state paper, which statement shall be published in the same manner, and for the same time, and to the same effect, as like statements required by law to be published in other respects. Tax sales of Clinton and Ingham Cos. for 1849 to be printed in state paper.

Sec. 6. This act shall take effect and be in force from and after its passage, and all portions of any law contravening any of the provisions of this act, are hereby repealed.

Approved March 12, 1849.

[No. 75.]

AN ACT to enlarge the powers and increase the number of officers in school district number four, in the township of Ypsilanti.

Powers of
Dist. Board
of S. D. No.
4, Ypsilanti.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the district board of school district number four, in the township of Ypsilanti, shall have all the powers conferred on district boards by title eleven, chapter fifty-eight of the revised statutes of this state, and in addition thereto, the further powers conferred by the different sections of this act.

Dist. Board.

Sec. 2. That to the present officers of said district there shall be added James M. Edmunds, George N. Skinner and Walter B. Hewitt, who, together with the present officers, shall form the district board for the transaction of all the business of the district, and the enactment of all rules and by-laws for the government thereof until the next annual meeting of said district, and until another board shall be elected, and qualified as hereinafter provided.

6 trustees to
be elected.

Sec 3. That at the next annual meeting of said district, to be holden on the last Monday in September next, the qualified voters thereof shall elect, by ballot, six trustees, who shall constitute the district board, two of whom shall serve for one year, two for two years, and two for three years. The order of seniority to be determined by lot, by such trustees after their election, and annually thereafter, and in the same manner, there shall be two trustees elected, who shall serve three years, and until their successors shall be elected and qualified; and also at the same time, and in the same manner, shall fill all vacancies that may exist in said board.

Officers of
the board.

Sec. 4. That within ten days after each annual meeting, the officers thus elected, shall meet and elect from among their number a president, secretary and treasurer, whose powers and duties shall be the same as those conferred upon and required of the moderator, director and assessor of school districts in this state, except so far as the same are increased or modified by the provisions of this act.

Powers of
board.

Sec. 5. That the said district board shall have power to levy and

collect such reasonable sums as they may deem proper, for the tuition of each and every scholar taught in said district, who is not actually a resident thereof: and shall also have power to fill any vacancy that may occur in said board, until the next annual meeting: to hire any and all necessary teachers and fix the amount of their compensation: to repair the school house, build and repair all necessary additions thereto, and all necessary out-houses; to ornament the yard belonging thereto; and also to enact such rules and by-laws as may be necessary for the preservation of all the property, apparatus, shrubbery, &c., belonging to the district, and for the government of the school, and in reference to all other business connected therewith: *Provided*. That the said rules and by-laws shall not affect the equal distribution of the public moneys, the raising of taxes for building purposes, or deprive the resident scholars of the district of any of the rights and privileges to which they are entitled by the primary school laws of this state: *Also provided*, That the said board shall not be at liberty to expend more than one hundred dollars in any one year, unless so authorized by a vote of said district.

Sec. 6. That the treasurer of said district shall have the power, in the name of the district, to collect all moneys due for tuition of scholars, who are not actually residents thereof, by suit at law under the direction of said district board. Treasurer of district.

Sec. 7. That the said district board shall publish the rules and by-laws that they may from time to time enact, for at least ten days, by posting the same up in three public places in said district, or by having them inserted at least twice in a newspaper published in said township; and shall give the like notice of their alteration or repeal, and shall also record the same in a book, to be kept by the secretary for that purpose. By-laws to be published

Sec. 8. That all laws, now existing, that shall conflict with the powers and duties of said district board, and with the rules and by-laws enacted by them, under the provisions of this act, except those herein excepted, shall cease to be in force in said district, from and after the passage of this act.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 12, 1849.

[No. 76.]

AN ACT to incorporate the Siskowiet Mining Company of Michigan.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* Clement March, David H. Hall, Roger C. Weightman, Charles Whittlesey, James G. Clark, and Augustine L. McCrea, and others who shall become associated with them, are hereby constituted a body corporate by the name of the Siskowiet mining company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals, upon the island of Isle Royal in the Upper Peninsula of Michigan: *Provided, That* nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than those herein particularly specified.

Capital stock

Sec. 2. The said company shall have corporate succession, its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each, and said company may acquire and hold such real and personal estate as the business of said company may require to an amount not exceeding the capital stock.

Officers of said company.

Sec. 3. The officers of said company shall consist of a president, a board of five directors (each owning in his own right not less than twenty shares of stock,) of whom the President shall be one, a secretary and treasurer, who may at the pleasure of the company, be one and the same person. And the said company may, by its officers, levy assessments on the shares of its stock, and forfeit and sell the said shares for non-payment of any such assessment, in such manner as their by-laws shall prescribe: *Provided, That* one of said directors shall be a resident of the state of Michigan, and upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Siskowiet mining company, and that until the first annual meeting of said company after its organization under this act, Clement Murch, David A. Hall, of Washington, District of Columbia, James G. Clark, of Philadelphia, Charles Whittlesey, of Michigan, and Augustine L. McCrea, of Wisconsin, continue, and they and

their successors are expressly constituted directors of said company, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

Sec. 4. The said company shall pay the treasurer of the state of Michigan, an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all monies borrowed by said company, which tax shall be paid on the first Monday of July in each year and shall be estimated upon the last preceding report of said company: and for that purpose the president and secretary of said company, shall, on the first Monday of January, or within fifteen days previous thereto, make under their hands a return to the state treasurer, verified by their several oaths or affirmations, stating the amount which has actually been paid in, on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company: and any investment of any portion of the nett profits of said company shall be considered as so much capital paid in, and returned to the state treasurer accordingly: and said state tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all state taxes upon the real estate of said company.

State tax.
Annual re-
port.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

1st meeting.

Sec. 6. Any inhabitant of the state of Michigan shall have a lien upon the stock, appurtenances, and entire property of said company, for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company, and any person may enforce the said lien by filing with any court having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section, and such court may thereupon issue an attachment against the

Lien of in-
habitants of
this state,
&c.

property of said company, and the same proceedings may be thereupon had as in other cases.

General provisions.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Business of-
see.

Sec. 8. The said company shall within six months after the passage of this act, by a vote of the board of directors, locate their business offices, one of which shall be in this state, and file in the office of the secretary of state of Michigan a certificate specifying the places of such location. All annual meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct.

Duration of
charter.

Sec. 9. This act shall take effect and be in force for thirty years from and after its passage, and the legislature may at any time alter, amend or repeal this act after the limitation thereof for a violation of the provisions thereof.

Approved March 12, 1849.

[No. 77.]

AN ACT relative to the costs of proceedings in criminal cases.

Security for
costs in cri-
minal case
to be given
by prosecu-
tor.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That in all prosecutions for any crime or misdemeanor, when the prosecution is at the instance of a private person, and not of some public officer or of the grand jury, such person shall give security for costs, and if the defendant or prisoner be discharged on examination by such magistrate, or acquitted on trial, or a nolle prosequi be entered on the indictment by order of the court before which it may be pending, the prosecutor shall pay all costs which shall have accrued to the court, sheriff, constable and jury, and upon proceedings had upon such complaint, execution shall issue for the collection of such costs as in civil cases as well against the surety as against the prosecutor, unless the magistrate or court before whom the complaint is made or trial is had, shall certify in his minutes that there was probable cause for the making of such complaint.

Fees of wit-
nesses in
criminal ca-
ses.

Sec. 2. That whenever any person residing out of the township or city where the court may be held shall attend any court as a wit-

ness in behalf of the people of this state, upon request of the public prosecutor, or upon a subpoena or by virtue of a recognizance for that purpose, he shall be entitled to the following fees: for attending in a court of record, seventy-five cents for each day, and thirty-seven and one-half cents for each half day; for attending in a justice court, or upon an examination, fifty cents for each day and twenty-five cents for each half day, and for traveling, at the rate of six cents per mile in going to the place of attendance, to be estimated from the residence of such witness, if within this state; if without this state, from the boundary line which witness passed in going to attend the court.

Sec. 3. In courts of record such witness shall prove his attendance and travel in open court, before the clerk, and in justice courts before the justice, on the day of trial, or upon an examination, and a certificate thereof, from the clerk or justice as the case may be, shall authorize the board of supervisors of the proper county, to audit and allow the fees aforesaid in the same manner as other contingent charges against the county.

Supervisor
to allow
such fees.

Sec. 4. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Sec. 5. This act shall be in force from and after its passage.

Approved March 13, 1849.

[No. 78.]

AN ACT for the relief of the township of Waterloo, in the county of Jackson.

Whereas, The papers, files and records of the township of Waterloo, in the county of Jackson, were recently destroyed by fire; and

Preamble.

Whereas, In consequence thereof, there is no record evidence of the organization of said township, or of the election or qualification of the officers thereof, or of the laying out of highways therein, or of any division of said township into road or school districts, &c.,
Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That said township of Waterloo, shall be deemed to have been duly organized pursuant to the provisions of an act entitled "an act to organize certain townships, approved March twenty-third, eighteen hundred and thirty-six.

Waterloo
declared du-
ly organized

Evidence of
town officer's
official cha-
racter.

Sec. 2. Whenever it shall become necessary in any court of law or equity, to prove the election of any supervisor, township clerk, justice of the peace, or other officers of said township, evidence that such person acted in that capacity shall be deemed prima facie of his election to such office, and of his qualification according to law.

Sec. 3. The preceding section shall be so construed as to include all officers acting as such in and for said township, since March twenty-third, eighteen hundred and thirty-six.

Highways
legalized.

Sec. 4. All highways in said township that have heretofore been and now are opened and traveled, or upon which any highway money or labor has been expended by the commissioners or overseers of highways in the year eighteen hundred and forty-eight, shall be deemed to have been legally laid out.

When parol
evidence of
lost paper, or
town record
may be giv-
en.

Sec. 5. Whenever it shall be made to appear in any court of law or equity, that any paper on file in, or record belonging to, the clerk's office in said township has been destroyed by fire, oral evidence of the contents thereof may be proved in the same manner and with the like effect as in the case of a lost note or other paper.

Highway.

Sec. 6. Parol evidence may also be given of the opening and traveling of any highway in said township and of the expenditure of money or labor upon any such highway by the commissioners or overseers as mentioned in section four of this act.

Duties of di-
rectors of
school dis-
trict in said
town.

Sec. 7. It shall be the duty of the directors of the several school districts in said township, within five days next preceding the twentieth day of April next, to take the census of his district mentioned in section forty-one of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six, and shall, on or before the twentieth day of April next, make his report to the township clerk, required in section fifty-four of said chapter ninety-three, which report, when so made and filed in the office of the township clerk, shall be as valid and effectual as if the same had been made at the time required by existing laws.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 13, 1849.

[No. 79.]

AN ACT for the improvement of the State Road leading from Charlotte, in Eaton county, to Albion, in Calhoun county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That for the purpose of improving the state road leading from Charlotte, in Eaton county, to Albion, in Calhoun county, there is hereby appropriated, to be expended as hereinafter provided, the unexpended highway tax which was assessed for the year eighteen hundred and forty-eight, and all the highway tax which may be assessed for the present year and for the three next succeeding years, upon the lands owned by non-residents upon the line of said road, within a distance of one mile each way from the centre thereof: *Provided,* That if any lot or description not exceeding eighty acres of land (owned by non residents as aforesaid,) shall be partially embraced within said limits, and extend beyond said one mile, the highway tax upon said description, shall be deemed appropriated as aforesaid. Appropriation of highway tax.

Sec. 2. For the purpose of carrying into effect the provisions of this act, Jesse Hart, of Eaton, and John D. Alcott, of Calhoun, are hereby appointed special commissioners, one for so much of said road as lies in the county of Eaton, and one for so much of said road as lies in the county of Calhoun; and said special commissioners, in expending the moneys that may be subject to their control by the provisions of this act, shall be governed by the laws, so far as the same may be applicable, which are now or may hereafter be in operation for the government of township highway commissioners; and each of said special commissioners, before entering upon the duties of his office, shall take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county. Com'rs appointed to expend the same; their powers and duties.

Sec. 3. It shall be the duty of each of said special commissioners, on or before the first day of July next, to make out a list of all non-resident lands coming under the provisions of this act in the county for which he was appointed, and deliver the same to the treasurer of said county, who shall thereupon open an account with the Charlotte and Albion state road fund, and credit to said fund all moneys then in his hands or which may thereafter be paid into his office as non-resident highway taxes upon any of the lands described in said list, and which are within the purpose of this act, and shall Duty of treasurer of Eaton and Calhoun counties.

charge said fund with all the moneys which may be drawn from it by said special commissioner.

Payment of
contractors,
&c.

Sec. 4. It shall be the duty of each of said special commissioners, in payment for any labor performed or materials furnished in the improvement of said road under his direction, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon (for the amount due such person) upon the Charlotte and Albion state road fund of the county for which said special commissioner is appointed, and it shall be the duty of the county treasurer of that county to pay the same out of any moneys belonging to said fund, and to charge the same as provided in section three of this act.

Compensa-
tion of com-
missioners.

Sec. 5. Each of said special commissioners shall be entitled to receive a sum not exceeding one dollar per day for the time actually employed by him in discharging the duties which this act imposes upon him, and his account for the same, verified by his oath, shall be audited by the board of supervisors of the county to which he belongs, and shall be paid out of any moneys to the credit of the Charlotte and Albion state road fund in the treasury of that county.

Vacancy,—
how filled.

Sec. 6. In case of the death, resignation or refusal to serve, of any commissioner appointed under this act, the governor is authorized to appoint another, whose duties and obligations shall be the same as if originally appointed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 14, 1849.

[No. 80.]

AN ACT to amend an act entitled an act to extend the time for the collection of certain taxes in the township of Burns, in the county of Shiawassee, approved February 13, 1849.

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an act entitled an act to extend the time for the collection of certain taxes in the township of Burns, in the county of Shiawassee, approved February 13, 1849, be so amended as to strike out the word "March," and to substitute the word "April" in lieu thereof; and that the words "first day of April," in section two, be stricken out, and the words "fif-

teenth day of May" substituted in lieu thereof; and that the words "first day of May," in section three, be stricken out, and the words "fifteenth day of June" substituted in lieu thereof; that section four of said act be amended by striking out the word "eight," and substituting in lieu thereof the word "four."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1849.

[No. 81.]

AN ACT to authorize Alfred Ashley, his heirs or assigns, to construct a Plank Road across those parts of sections two and eleven, in township three North, of range number fourteen East, known as Salt Spring Lands belonging to the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alfred Ashley, his heirs or assigns, be, and they are hereby authorized and empowered to construct a plank road across parts of sections two and eleven, in township three north, of range number fourteen east, belonging to the state, and known as salt spring lands, and for that purpose are hereby authorized to enter upon and use so much of said lands, not exceeding four rods wide, as may be necessary in the construction of said road, across said lands, upon the most eligible route from the village of Ashley, in the county of Macomb, to Fort Gratiot turnpike, in said county.

Plank road authorized across certain lands.

Sec. 2, That the said Alfred Ashley, his heirs or assigns, are hereby authorized to erect a dam across Salt river, and to flow so much of said lands as may be necessary for the purposes of a saw-mill, by paying to the commissioner of the state land office, the minimum price per acre for the lands which shall be flowed by the erection of said dam: that said lands shall be surveyed by the county surveyor of Macomb county, at the request and at the expense of the said Ashley; and when said lands shall be so surveyed, the said surveyor shall give to said Ashley a certificate under his official signature, setting forth the number of acres so flowed, and a description thereof, by routes and bounds, courses and distances, and upon presentation of said certificate, and payment for said lands, at the price afore-

Dam authorized & the conditions thereof

said, to the commissioner of the land office, within one year from the date of this act, the said Ashley shall be entitled to a certificate and patent, pursuant to the law regulating the sale of salt spring lands.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1849.

[No. 82.]

AN ACT to incorporate "the City of Detroit Gas Company."

Preamble.

Whereas, Certain persons have associated themselves under the style of "the city of Detroit gas company," for the purpose of carrying on and establishing in said city of Detroit a gas manufactory of the kind now generally used, or any improved gas or inflammable substance, and of supplying the citizens with gas who desire the same, at rates to be agreed upon; the following being the names of the persons who have signed the articles of association, and taken shares of stock, viz: L. C. Rose, Jason Braman, J. M. Slater, Jeffrey Coles, James Cooper, John N. Williams, James Beck, Matthew Anderson, T. R. Davenport, Henry H. LeRoy, Samuel Howlett, F. F. Parker, and of whom at present, said

is president, said Beck secretary, said Parker treasurer, and said LeRoy, Rose, Braman and Slater are directors;

And.

And Whereas, The common council of said city have given the necessary permit to said association, to locate said establishment in said city, and to run their pipes through the streets of the same, and have given them the exclusive privilege so to do for the period of ten years, on certain conditions and under certain restrictions, as appears by an agreement in writing signed by a committee of said council, dated September 29, 1848, and approved by said common council, and to which reference is hereby had; *And Whereas*, said persons have applied to this legislature to be incorporated, the more effectually to enable them to accomplish the said objects of their organization:

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, As follows, to wit: That said persons above named, who have signed said articles of association, and all such other persons as shall become stock holders and associated

with them for said purpose, and their successors and assigns shall be, and hereby are constituted and declared to be, a body politic and corporate, under the name and style of "the city of Detroit gas company," for the objects and purposes contemplated and stated in the above preamble, for the period of fifty years from and after the passage of this act: *Provided always*, That within the period of one year they commence operations and continue the same with all reasonable despatch.

Sec. 2. The corporation hereby created by the name aforesaid, and the successors thereof, shall have continual succession for the period aforesaid, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defended and defending in all courts, suits, proceedings, places and matters whatsoever; and capable of having a common seal; of acquiring, holding and conveying estate, real, personal and mixed, necessary or expedient for the corporation, for the purposes and objects thereof. Powers of company.

Sec. 3. The capital stock of said association shall not exceed one hundred thousand dollars, which, with the property, affairs and concerns of the corporation, shall be managed and conducted by a board of officers, to consist of a president, secretary and treasurer, and of four other directors, all of whom shall be stockholders, except the secretary. The board of officers named in the above preamble shall constitute the officers of this corporation, until others are chosen in their stead. Capital stock and officers.

Sec. 4. The majority of the board of directors and stockholders, on account of said corporation hereby created, shall have and hereby are declared to have full power and authority to make, prescribe and carry into effect all such rules, by-laws and regulations, and the same to alter, amend and renew, as the majority of the board of officers and stock, at a meeting of the holders thereof, regularly called, shall think proper to make, which are necessary and proper for the purpose of carrying out the true intent and meaning of this act, and among other things to provide for calling new elections, when any election fails to be made when duly called: and may form, if they think proper a constitution or articles of agreement, to be signed or to govern them within the provisions of this act, containing the elements of their organization; the rights, privileges and duties of officers and members; the modes and times of calling elections and holding the same; the amounts of stock and liabilities Powers of board of directors.

and privileges of holders and the exercise of the powers above contained; and concerning all other matters and things in and about the regulation, control, conduct of the corporation, its objects, and all matters pertaining thereto, and for the changing and amendment thereof from time to time as may be necessary. And for the purpose of commencing to organize and making necessary rules, the said present board of officers and persons who have signed said articles of association, or a majority thereof, as soon as this act becomes a law, may get together and exercise all and singular the powers aforesaid, necessary or expedient. It being expressly provided that this corporation shall never exercise banking powers or brokerage business, or any thing in the nature thereof; that it shall make no regulations or rules contrary to law; that it shall at all times be subject to the inspection of the legislature, or a committee thereof; and shall make a full report of all its affairs and doings, whenever required by said legislature. All the shareholders shall be jointly and severally liable for all debts and contracts of the company until forty per cent of the capital stock shall have been paid in, and also for all the debts of the company of every description after the capital stock of the company shall have been exhausted.

Time of
commencement
operation.

Sec. 5. Unless the said corporation shall have established their manufactory, and so far progressed therewith as to begin supplying gas to some portions of the city within twenty-four months from the passage of this act, this act shall cease and become null and void.

Sec. 6. That the property of every individual, vested in said corporation, shall be liable to be taken on execution for the payment of his or her just debts, in such manner as is or may be prescribed by law.

Sec. 7. That this act be and the same is hereby declared to be a public act; and that the same be construed in all courts and places, favorably for every beneficial purpose therein mentioned.

Sec. 8. The legislature may at any time alter, amend or repeal this act for any violation of this charter.

Approved March 14, 1849.

[No. 83.]

AN ACT to incorporate the Isle Royal Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles C. Douglass, Leander Ransom, John Erwin, Samuel L. Mather, John W. Allen and Charles M. Giddings, and others who may be associated with them, are hereby constituted a body corporate by the name of the Isle Royal mining company, for the purpose of mining, smelting, and manufacturing ores, minerals and metals in the state of Michigan. Incorporation.

Sec. 2. The said company shall have corporate succession; its capital stock shall be one hundred and twenty thousand dollars, with liberty to increase the same to three hundred thousand dollars, to be divided into twelve thousand shares. The said company may acquire and hold such real and personal estate on Isle Royal and the upper peninsula of Michigan, as the business of the company may require, not exceeding the capital stock hereby authorized, and may make such by-laws for its management and the conduct of the business generally, of the company, as may be expedient consistently with the provisions of this act. Capital stock and real estate.

Sec. 3. The officers of said company shall consist of a president and five directors, of whom the president shall be one, a secretary and treasurer, who may, be one and the same person; and the company may levy assessments on the shares of its stock, and forfeit or sell the same for non-payment, in such manner as said company may by its by-laws prescribe: and one of the directors shall at all times be a citizen and resident of Michigan, upon whom service of all process against said company shall be made, and which shall be legal service upon said company. Officers.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company; and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make, under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which State tax, annual report, &c.

has been actually paid in, on the capital stock of said company, and also the whole amount which, at any time, has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company; and any investment of any portion of the nett profits of said company shall be considered as so much capital paid in, and shall be included in the return to the state treasurer hereinbefore required.

Sec. 5. The legislature may at any time alter, amend or repeal this act for any violation of its provisions.

1st meeting
of company. Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section or a majority of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of in-
habitants of
this state. Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and the entire property of the company, for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state; which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages, against said company.

Business of-
fice of com-
pany. Sec. 8. The said company shall within six months after the first election of the officers thereof, by a vote of the directors, locate a business office for said company, within the state of Michigan; and file in the office of the secretary of state a certificate specifying the place of such location; and all annual and other meetings of said company, shall be held at such place as the by-laws of the company may direct.

Duration of
charter. Sec. 9. This act shall take effect from its passage, and be in force for thirty years thereafter; but nothing herein contained shall confer banking powers, or the power to deal in money, exchange or to purchase bank or public stocks or for any other purposes than those herein particularly specified.

General pro-
visions. Sec. 10. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Approved March 14, 1849.

[No. 84.]

AN ACT to organize certain townships, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That town number nine north of ^{Algoma or-} ~~range~~ range number eleven west, in the county of Kent, be, and the same is hereby set off from the township of Plainfield, and organized into a separate township by the name of Algoma, and the first township meeting therein, shall be held at the school house in district number three, in said township; and also to set off from the township of Plainfield, town number ten north of range eleven west, and attach the same to said township of Algoma.

Sec. 2. That town number nine north of range number nine west, in the county of Kent, be, and the same is hereby set off ^{Oakfield or-} ~~from the township of Cortland,~~ and organized into a separate township by the name of Oakfield, and the first township meeting therein shall be held at the school house in school district number five, in said town; and also to set off from Cortland, town number ten north, of range nine west, and attach the same to Oakfield.

Sec. 3. That town number eight north of range fifteen west, ^{Crockery} ~~excepting such portion thereof as lies on the south side of Grand~~ ^{organized.} river; also that portion of town seven north of range fifteen west, lying on the north side of Grand river, in the county of Ottawa, be, and the same is hereby organized into a separate township by the name of Crockery, and the first township meeting therein, shall be held at the house of William Hathaway, jr., in town eight.

Sec. 4. That town number five north of range number thirteen west, in the county of Ottawa, be, and the same is hereby set off ^{Jamestown} ~~from the township of Georgetown,~~ ^{organized.} and organized into a separate township by the name of Jamestown, and the first township meeting therein, shall be held at the house of James M. Crankright, in said township.

Sec. 5. That town number nine north of range number fourteen west, in the county of Ottawa, be and the same is hereby organized ^{Ravenna or-} ~~into a separate township by the name of Ravenna,~~ ^{organized.} and the first township meeting therein, shall be held at the house of Harvey Porter, in said township.

Sec. 6. That town number five north of range number eight west, in the county of Ionia, be, and the same is hereby set off ^{Campbell} ~~from the township of~~ ^{organized.}

from the township of Boston, and organized into a separate township, by the name of Campbell, and the first township meeting therein, shall be held at the house of Marvil Church, in said township.

Part of
Keene at-
tached to
Otisco.

Sec. 7. That the north fraction of section number seven, in town number seven north of range number eight west, now a part of the township of Keene, in the county of Ionia, be, and the same is hereby set off from the said township, and attached to the town of Otisco.

Casco orga-
nized.

Sec. 8. That town number four north of range number fifteen east, in the county of St. Clair, be and the same is hereby set off from the township of China, and organized into a separate township by the name of Casco, and the first township meeting shall be held at the house of William Fenton, in said township.

Baltimore
organized.

Sec. 9. That town number two north of range number eight west, in the county of Barry, be, and the same is hereby set off from the township of Johnstown, and organized into a separate township by the name of Baltimore, and the first township meeting therein, shall be held at the house of Beardslee R. Blanchard, in said township.

Sheboygan
organized.

Sec. 10. That all that part of the state of Michigan, known as the county of Sheboygan, and now attached to the township of Holmes in the county of Mackinac, shall be set off from said township and organized into a separate township by the name of Sheboygan, and the first township meeting therein, shall be held at the house of Jacob Sammons, in said township.

Spring Lake
organized.

Sec. 11. That so much of the present organized township of Norton, in the county of Ottawa, as lies north of Grand river, in township eight north of range number sixteen west, and the south half of township nine north of range sixteen west, together with the fraction of town nine north of range seventeen west lying directly west of town nine north of range sixteen west and bordering on lake Michigan, be, and the same is hereby set off from the township of Norton, and organized into a separate township by the name of "Spring Lake," and the first township meeting therein shall be held in the school house near "Barber's Mills," in said township.

Pittmore or-
ganized.

Sec. 12. That town number four north of range number fourteen west, in the county of Allegan, be and the same is hereby set off

from the township of Manlius, and organized into a separate township by the name of Fillmore, and the first township meeting therein shall be held at the house of Isaac Fairbanks, in said township.

Sec. 13. That town number five north of range number nine west, in the county of Kent, be, and the same is hereby set off from the township of Caledonia, and organized into a separate township by the name of Bowne, and the first township meeting therein shall be held at the school house in district number one in said township. Bowne organized.

Sec. 14. That the name of the township of Gates, in the county of Barry, shall be and the same is hereby changed to Yankee Springs. Gates changed to Yankee Springs.

Sec. 15. That all that part of the county of Ottawa, known as towns five and six, and all that portion of town seven north of range fourteen west, be organized into a separate township, to be called and known by the name of Allandale, and the first township meeting shall be held at the house of Richard Roberts, in said township. Allandale organized.

Sec. 16. That town number eight north of range number ten east in the county of Lapeer, now organized by the name of Mayfield, be and the same is hereby attached to, and made a part of the town of Lapeer, and the records and papers filed in the office of the clerk of said town of Mayfield, shall be deposited in the office of the clerk of said town of Lapeer. Mayfield attached to Lapeer.

Sec. 17. All acts and parts of acts contravening any of the provisions of this act be, and the same are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved March 15, 1849.

[No. 85.]

AN ACT authorizing the Commissioner of the State Land Office to sell certain Lots in the Town of Lansing, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the appropriation of block number two hundred and forty-eight in the town of Lansing, for the uses and purposes of a burial ground, heretofore made by the governor, secretary of state and auditor general, under and by virtue of the fourth section of the act entitled "an act granting to Lansing burial ground vacated and sale thereof authorized.

Proceeds of
such sale
appropriat'd
to certain
uses.

school districts and religious denominations of professing christians, suitable ground in the town of Michigan, owned by the state, whereon to erect houses for public worship and school houses," approved April 3, 1848, be, and the same is hereby vacated and set aside; and it shall be the duty of the commissioner of the state land office, to sell the lots of land constituting said block number two hundred and forty-eight, in the same manner and on the same terms and conditions, in all respects, as if such appropriation had never been made. And the state treasurer is hereby authorized and required to pay all monies received by him on the sale of said block number two hundred and forty-eight, on the order of the board of health of the township of Lansing, to be applied by them towards the purchase money and the improvement of the grounds purchased for a cemetery by said board in said township of Lansing.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1849.

[No. 86.]

AN ACT to provide for the sale of University Lands in the County of Berrien.

Comm'r of
state land
office to is-
sue certifi-
cate to Jas.
Aldrich for
certain lands
&c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the state land office be, and he is hereby directed to convey to James Aldrich, of the county of Berrien, a certain piece or parcel of land, lying south of the road leading from the village of Niles, in the county of Berrien, to Chicago, it being a part of the north-east quarter of section thirty-four, in township seven south, of range seventeen west, and containing about twenty-three and seventy-eight hundredths acres: *Provided*, The said Aldrich pays to the state of Michigan the amount due thereon, to the university fund, estimating the same in proportion to the whole amount which is due on said quarter section: *And also provided*, That satisfactory evidence be produced to the commissioner of the state land office, that said James Aldrich is the assignee of the purchaser of that part of the said quarter section of land, and that the university fund will not be prejudiced by the sale of said piece or parcel of land.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1849.

[No. 87.]

AN ACT to authorize Nancy Maria Sliker and others, minors, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Nancy Maria Sliker, John C. Sliker and Hannah Sliker, minors, be and they are hereby authorized to convey by deed to Jacob Compton, of the county of Oakland, the equal undivided eighth part of the east half of the north-west quarter of section number thirty-three and the equal undivided one-eighth part of ten acres from the south-east corner of the west half of the north-west quarter of section number thirty-three, in township two north, of range eight east, in the Detroit land district: *Provided,* That the judge of probate of the county of Oakland shall be satisfied that said Jacob Compton in the life time of the wife of George Sliker, the father of said minors, contracted for said land and paid the purchase money therefor: *And provided further,* That the proceeds of said purchase shall, upon the execution of said conveyance, be invested pursuant to chapter seventy-eight of the revised statutes of eighteen hundred and forty-six for the benefit of said minors: *And provided also,* That said judge of probate shall certify on the back of such conveyance that he is satisfied that the purchase money of said premises was paid as hereinbefore mentioned, and that the same had been invested pursuant to said chapter seventy-eight, and which said conveyance when so executed, shall be as valid and effectual to convey the said lands as if said minors had been at the time of such conveyance of full age.

Minors authorized to convey certain lands under direction of probate judge of Oakland Co.

Provided.

Sec. 2. This act shall take effect from and after its passage.

Approved, March 15, 1849.

[No. 88.]

AN ACT authorizing Isaac N. Swain to erect and maintain a dam across Paw Paw river in Berrien county.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Isaac N. Swain, his heirs

Dam authorized.

and assigns, are hereby authorized and empowered to erect and continue a dam across Paw Paw river, in the county of Berrien, on section twenty-three, township three south, in range seventeen west.

Height and
description
of dam.

Sec. 2. The said dam shall not exceed eight feet in height, above common low water mark, and shall contain a convenient lock for the passage of all boats, barges, rafts and other water craft that may navigate said river, and shall be so constructed as to receive such boats and other water craft in slack water of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam, for all the purposes of the navigation of said river at all times. And it shall be the duty of the owners of said dam at all times to keep said lock in repair, to pass any water craft through said lock, free of toll, without unnecessary delay; and any person who shall be so detained, shall be entitled to recover of the said owner the damages he shall prove he has sustained by such detention, before any court of competent jurisdiction, with costs of suit. Any person who shall wilfully and maliciously destroy or injure the said lock or dam shall be deemed guilty of a misdemeanor, and on conviction thereof be punished by fine and imprisonment in the discretion of the court.

Trespasses
thereon.

Lock or
sluice, &c.

Sec. 3. The said dam shall not exceed eight feet in height above common low water mark, and he shall construct and maintain a good and sufficient sluice or apron of convenient width and dimensions to admit the safe passage of rafts of every reasonable and necessary kind down that river, and such boats and canoes as may navigate the same, which said sluice or apron shall be kept in good repair by the person or persons using said dam; and the occupant of said dam, in lieu of said sluice or apron, is required to construct and maintain therein or thereat a convenient lock for the safe passage of boats, canoes, rafts or other water craft, at his own expense, whenever the circuit court of said county shall order the same to be done upon good cause shown.

Water may
be taken for
int. imp't
purposes.

Sec. 4. If at any time hereafter the water should be required to be drawn from said river for the purpose of internal improvement or navigation, it shall not be lawful for the said Isaac N. Swain, or any other person or persons owning said dam, to claim, or recover any damages therefor.

Rights of
persons re-
served.

Sec. 5. Nothing in this act shall be so construed as to authorize

the person above named, his heirs or assigns, to enter upon or flow the lands of any other person or persons.

Sec. 6. The legislature may at any time alter, amend or repeal this act.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 89.]

AN ACT relative to the Kalamazoo and Black Lake Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners named in act entitled "an act to incorporate the Kalamazoo and Black Lake plank road company," approved April third, eighteen hundred and forty-eight, be and they are hereby authorized, within twelve months after the passage of this act, to proceed to estimate the length of the road proposed in said act, and cause books to be opened for the subscription in stock to said company, according to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and the proceedings shall be as valid as if had within the six months contemplated by the provisions of the act last aforesaid.

Time for receiving subscriptions to capital stock extended, &c.

Sec. 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 90.]

AN ACT relative to the Flint and Fentonville Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners named in an act entitled "an act to incorporate the Flint and Fentonville plank road company," approved April third, eighteen hundred and forty-eight, be and they are hereby authorized, within twelve months

Time for receiving subscriptions to capital stock extended, &c.

after the passage of this act, to proceed to estimate the length of the road proposed in said act, and cause books to be opened for the subscription of stock in said company, according to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and the proceedings shall be as valid as if had within the six months contemplated by the provisions of the act last aforesaid.

Sec. 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 91.]

AN ACT relative to the Owasso and Bad River Plank Road Company.

Time for receiving subscriptions to capital stock extended, &c

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners named in an act entitled "an act to incorporate the Owasso and Bad river plank road company," approved April third, eighteen hundred and forty-eight, be and they are hereby authorized, within twelve months after the passage of this act, to proceed to estimate the length of the road proposed in said act, and cause books to be opened for the subscription of stock in said company, according to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and the proceedings shall be as valid as if had within the six months contemplated by the provisions of the act last aforesaid.

Sec. 2 All acts and parts of acts contravening the provisions of this act are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 92.]

AN ACT relative to the Genesee County Plank Road Company.

Time for receiving subscriptions, &c extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners named in

an act entitled "an act to incorporate the Genesee county plank road company," approved April 3, eighteen hundred and forty-eight, be and the same are hereby authorized, within twelve months after the passage of this act, to proceed to estimate the length of the road proposed in said act, and cause books to be opened for the subscription of stock in said company, according to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and the proceedings shall be as valid as if had within the six months contemplated by the provisions of the act last aforesaid.

Sec. 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 93.]

AN ACT relative to the Corunna and Saginaw Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners named in an act entitled "an act to incorporate the Corunna and Saginaw plank road company," approved April third, eighteen hundred and forty-eight, be and they are hereby authorized, within twelve months after the passage of this act, to proceed to estimate the length of the road proposed in said act, and cause books to be opened for the subscription of stock in said company, according to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and the proceedings shall be as valid as if had within the six months contemplated by the provisions of the act last aforesaid.

Time for receiving subscriptions to capital stock extended, &c

Sec. 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

LAWS OF MICHIGAN.

[No. 94.]

AN ACT to exempt certain property from taxation.

Exemptions
from taxation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following property shall be exempt from assessment and taxation:

1st. Household furniture, including stoves put up and kept for use in any dwelling house, not exceeding in value one hundred dollars:

2d. All spinning wheels and weaving looms, and apparatus not exceeding in value, fifty dollars:

3d. A seat, pew or slip occupied by any person or family in any house or place of public worship:

4th. All cemeteries, tombs and rights of burial while in use as repositories of the dead:

5th. All arms and accoutrements required by law to be kept by any person; all wearing apparel of every person or family:

6th. The library and school books of every individual and family, not exceeding in value one hundred and fifty dollars, and all family pictures:

7th. To each householder, ten sheep with their fleeces, and the yarn or cloth manufactured from the same, two cows, five swine and provisions and fuel for the comfortable subsistence of such householder and family for six months.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 95.]

AN ACT to amend Chapter one hundred and six of title twenty-two of the Revised Statutes.

Secs. 1 and 6
chap. 106 R.
S. amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That sections four and five, of chapter one hundred and six, of title twenty-two of the revised statutes, in relation to judgments and executions, be and the same are hereby repealed, and the following substituted in their places as sections four and five of said chapter, to wit:

“Sec. 4. Whenever judgment shall have been or may hereafter

be rendered in any court of record, execution to collect the same may be issued to the sheriff or other proper officer of any county of this state; and successive or alias executions may be issued one after another, upon the return of any execution unsatisfied in whole or in part, for the amount remaining unpaid upon any such judgment.

"Sec. 5. But no such execution or alias execution shall be issued, unless within two years from the time of the rendition of such judgment, or from the return day of the last preceding execution, or two years from the time when the party was entitled to sue out the same, unless the court, in term time, or some judge or justice thereof, or circuit court commissioner, in vacation, upon special application for that purpose, and due notice to the opposite party, shall make an order granting leave to issue the same."

Approved March 16, 1849.

[No. 96.]

AN ACT for the encouragement of Agriculture, Manufactures, and the Mechanic Arts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in any county of this state where the inhabitants thereof have organized and established or may hereafter organize and establish a society for the encouragement and advancement of agriculture, manufactures and the mechanic arts, and shall raise from said society annually the sum of one hundred dollars or over, for the promotion of the above objects in said county, the board of supervisors of said county, at their annual session in each and every year, are hereby required to levy a tax of not less than one-tenth nor more than one-fifth of one mill on the dollar on the assessment roll of the county, which tax shall be collected and paid to the county treasurer of the county in the same manner that other taxes are collected and paid.

Tax to be levied by bo'rd of supervisors in certain cases.

Sec. 2. The treasurer of the county shall keep the sum so raised subject to the order of the board of supervisors of said county.

Sec. 3. The said board of supervisors shall draw upon the said treasurer for the sum so raised and the same shall be expended, under the direction of said board, for the benefit of said society in the

Apportionment of proceeds of said tax.

purchase of premiums, the diffusion of valuable agricultural, manufacturing and mechanical knowledge, or in such other way as shall in the opinion of the board be calculated to promote and encourage the important objects above specified.

Act repealed.

Sec. 4. The act entitled "an act for the encouragement of agriculture," approved March second, eighteen hundred and forty-four, is hereby repealed.

Sec. 5. Any citizen of any county in which a society of the kind above named is or shall be organized, shall have a right to become a member thereof by complying with the rules and regulations of said society.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 97.]

AN ACT to authorize the Detroit Young Men's Society to contract a certain loan.

Detroit Y.
M. Society
authorized
to contract a
loan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Detroit young men's society be, and it is hereby authorized and empowered to contract a loan for the use of said society, not exceeding ten thousand dollars, and at a rate of interest not exceeding ten per centum; which shall be payable within twenty years: *Provided*, That a majority of the members of said society at a general meeting of said society, duly called by notice in one of the papers published in the city of Detroit, shall by a vote authorize such loan to be made: *And provided further*, That the money so to be borrowed shall be appropriated to the purposes of erecting and furnishing a building for the uses of said society or adding to its library, and to no other purposes whatever.

How loan to
be appropriated.

May issue
loan bonds,
&c.

Sec. 2. In effecting such loan, said society may issue bonds, under its corporate seal, and signed by its president and secretary, to the amount of said loan, bearing interest at a rate not exceeding the rate hereinbefore prescribed, and redeemable at any time within said twenty years; and the said president and secretary may attach to said bonds, coupons for the interest that may from time to time fall due thereon.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 98.]

AN ACT to incorporate the Lapeer and Port Huron Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jonathan R. White, Lorenzo M. Mason, Samuel Rogers, Noah H. Hart and James W. Sanborn, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Lapeer and Port Huron plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Lapeer and Port Huron plank road company, with corporate succession.

Lapeer and Port Huron plank road incorporat'd

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Lapeer, in the county of Lapeer, to the village of Port Huron, in the county of St. Clair, with the right of uniting said road at any point with the plank road of any other company.

Route of ro'd

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, in four thousand shares of seventy-five dollars each.

Capit'l stock

Sec. 4 This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may, at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature, that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expen-

Duration of charter.

Amendment and repeal of charter.

the questions, motions and decisions made and presented in such cause."

Secs. 159 &
160 chap. 93
R. S. repeal-
ed and new
secs. substi-
tuted.

New section

Sec. 2. Sections one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-one and one hundred and sixty-two of said chapter ninety-three are hereby repealed, and the following substituted in lieu thereof:

New section

"Sec. 159. In all cases of appeal brought into the county court, if the appeal be not dismissed and there be an issue of law made in the cause, it shall be tried by the court: if an issue of fact, it shall, on demand of either party, be tried by a jury; but if no jury be demanded by either party, the issue shall be tried by the court."

New section

"Sec. 160. If the return of the justice to the appeal be made and filed six days before the first day of the next succeeding term of said county court, either party may notice the cause for trial."

New section

"Sec. 161. Such notice shall be in writing and shall be served at least seven days before the first day of the term at which such trial shall be intended to be had."

"Sec. 162. Such notice of trial may be served personally upon the opposite party or his attorney, if either are to be found within the county, and if not, then a copy may be left at the last place of residence of such party, and if he be not a resident of such county and have no attorney therein, then by posting up the notice in some conspicuous place in the office of the county clerk.

Sec. 3. This act shall take effect from and after its passage.

Approved March 16, 1849.

[No. 102.]

AN ACT to provide for improving Grand river, in the township of Lansing, as a public highway.

Waters of
Grand river
in the town-
ship of Lan-
sing may be
used for
hydraulic
purposes on
certain con-
ditions.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if the owner or owners of any mill site in the township of Lansing, county of Ingham, on which the legislature has heretofore granted authority to construct a dam across Grand river, shall improve part of said river as a public highway, by erecting and maintaining a dam and lock suitable for the passage of boats, the inside dimensions of which lock shall be eighty feet long and eighteen feet wide, with three feet depth of water, for the free use of the citizens of the United States, and shall

pay the damages for flowing lands as hereinafter provided, then and in that case, the said owners, their heirs or assigns, in consideration of the erecting and maintaining such lock and dam, and paying the said damages, may thereafter use on their own lands for propelling mills and machinery, the surplus waters of said river over that which is required for supplying said locks; but no dam shall be erected to the injury of any mills lawfully existing, on any mill site above or below it, on the stream.

Sec. 2. The said dam and locks shall be erected whenever the circuit court shall order the same to be done, and if before such order is made, the said owner shall proceed to build such locks, a reasonable time, not exceeding two years, shall be allowed to complete it. When dam and locks shall be erected.

Sec. 3. If any lands are injured by being overflowed in consequence of the erection of such dam, and the parties cannot agree as to the amount of damages, an application for the appraisal of such damages may be made by either party, to the circuit court of the county in which the lands are situated, in term time, or it may be filed in vacation in the county clerk's office, setting forth therein a description of the lands so flowed, a copy of which shall be served on the other party, his agent or attorney, at least fourteen days previous to the meeting of the jury hereinafter provided to view and appraise said damages. Upon the filing such application in said court, the clerk thereof shall issue a summons directed to the sheriff of the proper county, commanding him to summon twelve discreet and disinterested freeholders within the circuit, to appear on a day certain to be therein named, which shall not be less than twenty days from the date of said writ, who shall be duly empaneled and sworn by the clerk of said court, or by a justice of the peace, faithfully and impartially to examine the premises described in the application, and appraise the damages sustained by the owner of said land in consequence of the overflowing of the same by the waters of such dam, and the jury thus impaneled and sworn, shall constitute a jury of view. The said jury, after thoroughly examining the quantity of land flowed and determining the amount of damages as aforesaid, shall return a sealed verdict to the clerk of the proper court issuing the summons, who shall open the same, and file it in his office, and it shall be confirmed by the court; the person in whose favor said award may, be made, may, if dissatisfied with said Application for appraisal of damages.
Jury of view
Award of jury.

Appeal. award, remove the cause before the supreme court for their decision as in other cases.

In cases damages assessed are not paid, proceedings to be null. Sec. 4. If the person against whom the said damages may be awarded shall not within sixty days after the confirmation of the award, pay the same, with the cost, to the persons entitled to receive it, or deposit the amount with the county treasurer for their use, then the rights acquired under this act shall be null and void, at the election of the owner of the lands overflowed.

Bar of actions.

Sec. 5. After this act shall take effect no other action for damages than is provided herein shall be sustained until after the sixty days allowed for the payment of such damages and cost, and the full payment of such damages and costs shall be a final bar to all claims for damages on such lands in consequence of the erection of said dam.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 17, 1849.

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[No. 103.]

AN ACT to authorize Esther Tuthill to convey certain real estate.

E. Tuthill authorized to convey certain land with cons't of probate judge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Esther Tuthill, of the township of Northfield, in the county of Washtenaw, be and she is hereby authorized to sell and convey the following described land, to wit: the south-west quarter of the north-west quarter of section fourteen, in township one (1) south of range six (6) east: *Provided*, It shall be made to appear to the satisfaction of the judge of probate for the county aforesaid, that the above described land is the property of the children of the said Esther Tuthill, and that it is necessary for their interest to make such sale.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1849.

[No. 104.]

AN ACT to organize certain townships, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all that part of the county of Van Buren, known and designated as township number one south of range number thirteen west, be and the same is hereby set off from the township of Almena, and organized into a separate township by the name of Pine Grove, and the first township meeting to be held at the house of Henry F. Bowen, in said township. Pine Grove.

Sec. 2. That the county of Huron be and the same is hereby set off from the township of Lexington, to which it was attached by act number 69, of eighteen hundred and forty-seven, and organized into a separate township by the name of Point Aux Barque, and that said township be and the same is hereby attached to the county of Saginaw, and the first township meeting to be held at the house of Robert Emerson, in said township, or such other place as a majority of the electors of said township shall determine. Point aux Barque.

Sec. 3. That so much of township number six north of range number eight west as lies north of Grand river, be and the same is hereby set off from the township of Keene, in Ionia county, and attached to the township of Boston, in said county. Boston.

Sec. 4. That all that part of the township of Ira, in the county of St. Clair, described as follows, to wit: commencing at the border of lake St. Clair, on the east line of the old Chippewa reserve, thence northerly on the east line of said reserve to the south line of the township of China, thence east to the east line of the township of Cottrellville, thence south to the south line of the township of Ira, be and the same is hereby set off from the township of Ira, and attached to the township of Clay, in said county. Part of Ira attached to Clay.

Sec. 5. That the name of the township of Florida, in the county of Hillsdale, be and the same is hereby changed to Jefferson. Florida changed to Jefferson.

Sec. 6. This act shall take effect from and after its passage.

Approved March 17, 1849.

Appeal. award, remove the cause before the supreme court for their decision as in other cases.

In cases damages assessed are not paid, proceedings to be null. Sec. 4. If the person against whom the said damages may be awarded shall not within sixty days after the confirmation of the award, pay the same, with the cost, to the persons entitled to receive it, or deposit the amount with the county treasurer for their use, then the rights acquired under this act shall be null and void, at the election of the owner of the lands overflowed.

Bar of actions. Sec. 5. After this act shall take effect no other action for damages than is provided herein shall be sustained until after the sixty days allowed for the payment of such damages and cost, and the full payment of such damages and costs shall be a final bar to all claims for damages on such lands in consequence of the erection of said dam.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 17, 1849.

§ 3

[No. 103.]

AN ACT to authorize Esther Tuthill to convey certain real estate.

E. Tuthill authorized to convey certain land with cons't of probate judge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Esther Tuthill, of the township of Northfield, in the county of Washtenaw, be and she is hereby authorized to sell and convey the following described land, to wit: the south-west quarter of the north-west quarter of section fourteen, in township one (1) south of range six (6) east: *Provided,* It shall be made to appear to the satisfaction of the judge of probate for the county aforesaid, that the above described land is the property of the children of the said Esther Tuthill, and that it is necessary for their interest to make such sale.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1849.

[No. 104.]

AN ACT to organize certain townships, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* Pine Grove. That all that part of the county of Van Buren, known and designated as township number one south of range number thirteen west, be and the same is hereby set off from the township of Alma, and organized into a separate township by the name of Pine Grove, and the first township meeting to be held at the house of Henry F. Bowen, in said township.

Sec. 2. That the county of Huron be and the same is hereby set off from the township of Lexington, to which it was attached by Point aux Barque. act number 69, of eighteen hundred and forty-seven, and organized into a separate township by the name of Point Aux Barque, and that said township be and the same is hereby attached to the county of Saginaw, and the first township meeting to be held at the house of Robert Emerson, in said township, or such other place as a majority of the electors of said township shall determine.

Sec. 3. That so much of township number six north of range Boston. number eight west as lies north of Grand river, be and the same is hereby set off from the township of Keene, in Ionia county, and attached to the township of Boston, in said county.

Sec. 4. That all that part of the township of Ira, in the county of St. Clair, described as follows, to wit: commencing at the border Part of Ira attached to Clay. of lake St. Clair, on the east line of the old Chippewa reserve, thence northerly on the east line of said reserve to the south line of the township of China, thence east to the east line of the township of Cottrellville, thence south to the south line of the township of Ira, be and the same is hereby set off from the township of Ira, and attached to the township of Clay, in said county.

Sec. 5. That the name of the township of Florida, in the county of Hillsdale, be and the same is hereby changed to Jefferson. Florida changed to Jefferson.

Sec. 6. This act shall take effect from and after its passage.

Approved March 17, 1849.

[No. 105.]

AN ACT to alter the town line dividing the townships of St. Clair and China, in the county of Saint Clair.

Town line
between St.
Clair and
China.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the town line dividing the townships of Saint Clair and China, in the county of Saint Clair, shall henceforth be so changed as to run on and with the lines hereinafter designated, to wit: said altered line shall commence at that point where the present line intersects the west side or line of private claim number three hundred and six, according to the United States survey thereof, and run thence northerly along said west side or line to the northwest corner of said private claim, thence easterly along the north end or line thereof to the northeast corner of the same, thence southerly along and with the east side or line thereof to the south east corner of said private claim, which corner is in or near Pine river, thence easterly and variously along and with said Pine river until it intersects with the south line of lands now or late belonging to George Palmer, and thence along and with said George Palmer's south line until it reaches the channel bank of the river Saint Clair.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1849.

[No. 106.]

AN ACT to change the name of Augustus Kendricks.

Name chan-
ged.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of Augustus Kendricks, a minor of the county of Jackson, be and the same is hereby changed to that of Augustus Seidle, and he shall hereafter be known by that name.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 107.]

AN ACT to provide for the support of a system of international exchange.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor of this state be, and he is hereby authorized to appoint some suitable person residing in the city of Paris, in France, to be the agent of this state in transmitting to, and receiving from this state all such works and objects as are intended as the subjects of international exchange.

Governor to appoint international exchange agent at Paris

Sec. 2. The sum of two hundred dollars, annually, is hereby appropriated to defray the expenses of the said agency in the city of Paris, in receiving from and transmitting to this state such works as may be made the subject of international exchange.

\$200 appropriated for support of agency.

Sec. 3. When the secretary of the state shall have been officially informed that the agency provided for in the first section of this act has been duly established, he shall, upon his order, annually draw from the treasury and transmit to said agent the said sum of two hundred dollars provided for in the second section of this act, and the said agent shall report annually to the governor of this state all his transactions relative to said agency.

To be paid by secretary of state.

Annual report of agent

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 108.]

AN ACT to vacate a portion of the plat of the village of Berrien, in the county of Berrien.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that portion of the recorded plat of the village of Berrien, in the county of Berrien, lying north of Hamilton street, and also the following lots lying on the river Saint Joseph, numbered sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six, together with so much of Bluff street as lies between said lots, and the top of the bluff on said river, be and the same is hereby vacated.

Part of the village of Berrien vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 109.]

• AN ACT to provide for the payment of officers attending on the Courts of Chancery.

Fees of sheriffs attending court of chancery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any sheriff or deputy sheriff shall be entitled for each day's lawful attendance upon any court of chancery of this state, to the same compensation as is allowed for like service in the supreme court of this state, to be audited and paid in the same manner as accounts for such services hitherto rendered in said courts of chancery.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 110.]

AN ACT amending an act relative to plank roads, approved March 13, 1848.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, be amended by striking out the word "six" in the first line of said section, and inserting in lieu thereof the word "eighteen."

Sec. 2. Section nineteen of said act is hereby amended by striking out the word "two" in the second line of said section, and inserting in lieu thereof the word "three."

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 111.]

AN ACT to authorize the Supervisors of the county of Kent to construct a free bridge across Grand River, at or near the mouth of Flat River, in the township of Lowell.

Free bridge authorized in Kent Co.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisors of the

county of Kent be, and they are hereby authorized to construct a free bridge across Grand river at or near the mouth of Flat river, in the township of Lowell, in said county: *Provided*, said bridge shall be so constructed as not to unnecessarily obstruct the navigation of said river.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 112.]

AN ACT to authorize the heirs of William Mochmoer, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the minor heirs of William Mochmoer, of the township of Sterling, county of Macomb, and state of Michigan, by their legal guardian or guardians, be and they are hereby authorized to execute a good and sufficient deed to William Connell and his wife, of the following described land, to wit: being the west half of the north east quarter of section seven, in township No. two north of range No. twelve east: *Provided*, The said Connell and wife, shall execute to the said heirs, and the widow of the said William Mochmoer, a deed, releasing all their right, title and interest in the east half of the north east quarter of the said section, and that they have not encumbered the same. And the said deed hereby required to be executed by the guardian or guardians of the said minor heirs, when made, acknowledged and recorded in accordance with the laws of this state, shall be as effectual and valid, as if the said minor heirs were at the time of the execution of said deed of full age; provided no such conveyance shall be of any effect, unless the judge of probate of said county of Macomb, shall, under his hand and seal of office, certify upon the back of said conveyance, his approval of the same.

Certain minors authorized to convey land by deed of guardian.

Assent of judge of probate required.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1849.

[No. 113.]

AN ACT to incorporate the Monroe and Newport plank road company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William White, John M. Morrow, Robert Duff, James M. Chamberlin and Daniel S. Bacon, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Monroe and Newport plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Monroe and Newport plank road company.

Route of road.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from any point in the city of Monroe, in the county of Monroe, through the village of Brest, to any point in the village of Newport, in said county.

Capital.

Sec. 3. The capital stock of said company shall be thirty thousand dollars in twelve hundred shares of twenty-five dollars each.

Duration of charter.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any

Amendment repeal, &c.

time alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation, by the company, of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

General provisions.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved March 21, 1849.

[No. 114.]

AN ACT to incorporate the Temple Building Company of Battle Creek.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Cholett Cady, John Stewart, Reuben Pew, Homer Marsh, Benjamin F. Hinman, Joseph Barton, and Alanson Cantine, of the county of Calhoun, and their successors in office, be and the same are hereby constituted and declared a body corporate and politic in fact and in name, under the name and style of the temple building company of Battle Creek, and by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts whatsoever.

Incorporation of Temple Building company.

Sec. 2. The persons named in the preceding section, and their successors in office, may have a common seal, and may change the same at their pleasure, and by the name of the temple building company of Battle Creek shall be capable in law of acquiring and holding by purchase, gift, grant, devise, bequest or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, to an amount not exceeding thirty thousand dollars, for the purposes hereinafter mentioned, and no other, and they and their successors in office shall have full power to make and enter into contract, and from time to time to make such rules and by-laws as shall be necessary for the good government and success of said company, and they the same may alter, amend or repeal: *Provided*, such rules and by-laws be not inconsistent with the laws and constitution of the United States and of this state.

Corporate rights and powers.

Sec. 3. The capital stock of said company shall not exceed twenty thousand dollars, and shall be divided into shares of twenty-five dollars each.

Capital.

Sec. 4. The said company shall have power to build, complete and continue in the township of Battle Creek, a building or block of buildings with suitable fixtures, appurtenances and additions, to be divided into stores, shops, offices, dwellings, and rooms for the accommodation of meetings, lyceums, clubs, and assemblies, any or all of them.

Objects of company.

Sec. 5. There shall be seven directors of the said company who

Directors.

shall be members thereof, and who shall manage all the affairs thereof, and the first directors shall be Cholett Cady, John Stewart, Reuben Pew, Homer Marsh, Benjamin F. Hinman, Joseph Barton, and Alanson Cantine, who shall hold their offices and have and exercise the powers and franchises hereby granted, until the first Monday in January, eighteen hundred and fifty, and until others are elected or appointed in their places.

Annual
meeting of
company.

Sec. 6. There shall be on the first Monday of January, eighteen hundred and fifty, and on the first Monday of January in every succeeding year, a general meeting of the stockholders of said company at such place in the township of Battle Creek as shall be appointed by the directors or the by-laws of such company, and a majority of the stockholders who shall meet in person or by proxy, shall elect by ballot seven of the stockholders to be directors of the said company for the year next ensuing, and until others shall be elected or appointed in their stead.

Officers.

Sec. 7. The directors of said company shall have power to choose of their own number a president, treasurer and secretary, who shall immediately enter upon the duties of their offices, and hold the same until the first Monday in January next ensuing, and until others are chosen in their stead; and in case any of the directors shall die, resign, remove from the county or refuse or neglect to act, then and in such case, the remaining directors may at any time within forty days thereafter, elect by ballot other stockholders of the said company in their stead, who shall hold their offices in the same manner as those first elected; and in case of the death, removal from the county, resignation or refusal to act of either the president, treasurer, or secretary of the said company, the directors of said company shall have power to fill the vacancy so happening, as in the first instance.

Of shares &
shareholders

Sec. 8. Each stockholder shall be entitled to one vote for each share of which he may be the holder, and the directors of said company shall receive subscriptions for shares of stock in said company, under such rules as they may direct, until the capital stock may be taken or subscribed; the said shares shall be assignable and transferable according to such rules as the board of directors shall from time to time make and establish, and shall be personal property for all purposes whatsoever.

Sec. 9. In case it shall at any time happen that an election of directors of such company shall not be held at the time or at the place designated for such election, the corporation shall not for that reason be deemed to have been dissolved, and it shall be lawful for the stockholders of such company to hold a meeting for such election, at such other time as may be designated by a majority of such stockholders.

Failure to hold regular election no forfeiture of charter.

Sec. 10. The said directors shall from time to time faithfully apply all moneys and means of whatever name or kind by them collected or acquired, to the use of said company, according to their best judgment, in purchasing a sufficient quantity of land and erecting thereon a building or block of buildings in the said township of Battle Creek, to be divided and used as hereinbefore designated, and after such building or block of buildings shall be completed, to dispose of any surplus means or the profits arising from the investment in such manner as shall be directed by the rules and by laws of the company.

Duties of directors.

Sec. 11. All process against said company shall be by summons, and shall be served by leaving an attested copy thereof with the president or secretary, at least ten days before the return day thereof, and in case of the absence of the said president and secretary, at the place of abode of one of them.

Service of process on company.

Sec. 12. The stockholders of such company shall be jointly and severally liable for the debts of said company: *Provided*, That no execution shall issue against the individual property of any stockholder, until the property of said company shall have been first exhausted.

Liability of stockholders.

Sec. 13. The legislature may, at any time, alter, amend or repeal this act.

Right of repeal, &c.

Sec. 14. This act shall take effect and be in force from and after its passage.

Approved March 21, 1849.

[No. 115.]

AN ACT to incorporate the Battle Creek and Dry Prairie Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles L. Miller, William H.

Incorporation.

Cross, of St. Joseph county, Benjamin F. Ferris, Martin Kellogg and Hiram Doubleday, of Branch county, Asahel Stone, William Brooks, Jonathan Guernsey and Russell Alvord, of Calhoun county, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Battle Creek and Dry Prairie plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created a body corporate and politic by the name and style of the Battle Creek and Dry Prairie plank road company, with corporate succession.

Route of
road.

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Battle Creek, in the county of Calhoun, on the most eligible and direct route, to Dry Prairie, in the township of Athens, in said county, with the privilege to extend the same from thence on the most eligible route to some point on the St. Joseph river, in the town of Colon or Leonidas, in St. Joseph county.

Capital.

Sec. 3. The capital stock of said company shall be thirty thousand dollars to be divided into one thousand and two hundred shares of twenty-five dollars each, with the power to increase said capital stock to fifty thousand dollars with a corresponding increase of the number of shares. If within two years from the passage of this act, the commissioners shall not proceed to estimate the length of said road and cause books to be opened for the subscription of stock to said company, and if within four years after the passage of this act they shall not have commenced the construction of said road and actually paid in ten per cent of the capital stock of said company, then this act shall be null and void.

Duration of
charter.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may, at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall ex-

Amendments
repeal, &c.

ceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act, so far as they do not contravene the provisions of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved March 21, 1849.

[No. 116.]

AN ACT to authorize certain Indians to convey lands in the county of Allegan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That George Shu-shaw-a-ne-bi-si, alias Matagama, oldest son and heir of Peter Shu-shaw-a-ne-bi-si, deceased, is hereby authorized and empowered to sell and convey, by deed, the following described parcel of land, owned by the said Peter Shu-shaw-a-ne-bi-si, deceased, to wit: the east half of the east half of the south east quarter of section four, town four north of range fifteen west, containing forty acres of land; and that Amimekese Nawabano, brother of Joseph Nawabano, deceased, is hereby authorized and empowered to sell and deed the following described parcel of land owned by the said Joseph, at the time of his decease, to wit: eight acres situate in the south east corner of the north west fractional quarter of the north east quarter of section three of town four north of range fifteen west, all of which lands are situated in the colony of Old Wing, Allegan county: *Provided always,* That George N. Smith, missionary in the colony to which said Indians belong, shall consent to all sales of land made by authority of this act, and shall endorse his approval of such sale upon the deed or deeds executed: *And provided further,* That the judge of probate of the county of Allegan, shall also consent to any sale made, or deed given by authority of this act, and signify such consent in writing, upon such deed or deeds. Certain Indians authorized to convey land with assent of judge of probate.

Sec. 2. Any deed made under the provisions of this act, and executed according to existing laws. and approved by said George N. Smith, and said judge of probate as herein provided, shall be valid to pass the intent authorized to be conveyed by this act.

Sec. 3. This act shall be in force from and after the 1st day of June next.

Approved March 21, 1849.

[No. 117.]

AN ACT to amend section fifty-two of Chapter twenty of the Revised Statutes of 1846.

Sec. 52 chap
20 of R.S. a-
mended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section fifty-two of chapter twenty of the revised statutes of eighteen hundred and forty-six, shall be amended by adding at the end of said section the words, "and said treasurer shall account to the township board for the per cent. added for collection expenses on all non-resident lands returned to the county treasurer."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1849.

[No. 118.]

AN ACT to authorize James S. Pitts to convey real estate.

Minor au-
thorized to
convey real
estate on
certain con-
ditions.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That James S. Pitts, a minor, of the county of Kalamazoo, be and he is hereby empowered to sell and convey to George Thomas, or any other person of said county, any real estate of which the said James S. Pitts may now be the owner; which conveyance, when made, acknowledged and recorded in accordance with the laws of this state, shall be as effectual and valid as if the said James S. Pitts, at the time of such conveyance, was of full age: *Provided,* The approval of the judge of probate of the county of Kalamazoo shall be first obtained and endorsed upon the instrument of conveyance.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1849.

[No. 119.]

AN ACT to incorporate the Niles and Mottville Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James L. Glenn, Hiram F. Mather, J. M. Finley, Henry B. Hoffman, Nathaniel Bacon, George Meacham, Ezra Hatch, Moses Joy, Hiram Hollibard, Orin E. Thompson, Henry Follett, and Norman Sage, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Niles and Mottville plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created a body corporate and politic by the name and style of the Niles and Mottville plank road company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Niles, in the county of Berrien, to the village of Mottville, in the county of St. Joseph. Said road shall be constructed by the way of the village of Edwardsburgh and Adamsville, or Cassopolis, in the county of Cass. Route of road.

Sec. 3 The capital stock of said company shall be one hundred thousand dollars, in four hundred shares of twenty-five dollars each. Capital and shares thereof.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may, at any time, alter, amend, or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter,—its amendment, repeal, &c.

Sec. 5. The provisions of an act entitled an act relative to plank General provisions.

unless the yearly net profit of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

General provisions.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 22, 1849.

[No. 122.]

AN ACT to provide for the election of County Judge for Ingham County.

Special election for Co. judge for Ingham Co.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for the electors of the county of Ingham, in this state, to hold a special election therein on the first Monday of April, A. D. 1849, for the purpose of filling the vacancy now existing in the office of county judge of the county court of such county. The county clerk of said county shall give at least three days notice of such election, before the first Monday of April aforesaid, to the township clerks of the several townships of said county.

Return and canvass of votes.

Sec. 2. The votes cast at such election shall be canvassed, the result certified and determined in the manner, and under the restrictions and regulations provided by existing laws, for holding special elections.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 22, 1849.

[No. 123.]

AN ACT to incorporate the Pontiac and Waterford Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Benjamin Phelps, W. M. McConnell, Ephriam S. Williams, Joshua Terry and Alfred J. Bon,

be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Pontiac and Waterford plank road company, and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Pontiac and Waterford plank road company, with corporate succession.

Sec. 2. Said company hereby created, shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Pontiac, in the county of Oakland, to Waterford, in said county. Route of road.

Sec. 3. The capital stock of said company shall be ten thousand dollars, in four hundred shares of twenty five dollars each, and certificates of subscription to stock in said company shall be issued upon the payment of one dollar upon each share, under the direction of a majority of the commissioners. Capital and shares thereof.

Sec. 4. The company hereby incorporated shall have power to levy and collect tolls as soon as three miles of the road shall have been completed. When tolls may be collected.

Sec. 5. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may, at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal, shall not be made within thirty years after the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above its expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter—its amendment, repeal, &c.

Sec. 6. The said company shall be subject to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, except so far as otherwise provided in this act. General provisions.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 23, 1849.

[No. 124.]

AN ACT to continue for a limited time the charter of the Farmers' and Mechanics' Bank of Michigan.

Extension of
charter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the powers, privileges and franchises heretofore granted the stockholders of the Farmers' and Mechanics' bank of Michigan, by an act approved November fifth, eighteen hundred and twenty-nine, and by an act approved March seventh, eighteen hundred and thirty-four, be and the same are hereby continued and confirmed to the stockholders thereof, for the term of twenty years beyond the time specified and limited by the acts aforesaid, subject to the restrictions and limitations hereinafter contained.

Notes of issue to be secured by pledge of state stock, and within 1 year, &c.

Sec. 2. That within the term of one year after the expiration of the present charter, all the bills or notes issued by the said bank, shall be secured by stocks of the United States, or state of New York, or of six per cent. stocks of the state of Michigan, on which interest is paid; which said stocks shall be deposited with the state treasurer, and the state treasurer, or the deputy state treasurer, under the direction of the state treasurer, is authorized and required to countersign, in a uniform manner, as nearly as possible, all the bills or notes which shall be presented to him for that purpose by said bank, which, by law, they shall be authorized to issue; and it shall be the duty of said treasurer to register all notes and bills countersigned by him, in a book kept for that purpose; and after one year from the expiration of the present charter, the said bank shall not pay out any of its own bills or notes not countersigned and registered as above provided. The bank shall be entitled to have thus countersigned, and delivered to them, an amount equal to the amount of the stocks thus deposited, estimated at their market value in the city of New York at the time of delivery to the state treasurer. And the said bank shall deposit with the state treasurer, fifty thousand dollars of the stocks aforesaid, within one year after the expiration of its present charter, and fifty thousand dollars in addition thereto, within three years after the time of the expiration, as aforesaid. And the amount of stocks so deposited shall not, at any time after the expiration of the three years, aforesaid, be less than one hundred thousand dollars. All of the bills or notes not countersigned and registered, which shall be in the possession

Issue & registry of notes by state treasurer, countersigned by him, &c.

of the said bank, when the bills or notes thus countersigned and registered, are delivered to said bank, shall be destroyed in the presence of the state treasurer, or before some person appointed by him for that purpose. And all bills or notes not so countersigned and registered, which shall come into the possession of said bank thereafter, shall be destroyed in like manner. And all bills or notes now or hereafter issued by the said bank, shall have preference over all debts whatsoever, upon all the assets and property of the said Farmers' and Mechanics' bank; and for any deficiency in the assets and property of the said bank, to pay the bill-holders, the directors and present stockholders shall be individually liable, and shall continue thus liable until all bills or notes of said bank, not countersigned, shall be fully redeemed. The said bank shall not at any time within one year after the expiration of its present charter, issue bills exceeding in amount the capital stock thereof actually paid in.

Notes preferred over other debts, and liability of stockholders for redemption thereof.

Sec. 3. If the said bank shall at any time, or under any pretence, refuse, on demand at its office, where the notes are payable, during the usual and regular banking hours, to pay any of its notes in the lawful currency of the United States of America, the holder of said notes may make and file his affidavit of that fact with the state treasurer, who shall forthwith give notice that the notes of said bank will be redeemed at the office of the said treasurer; and he is authorized and required to sell, at public or private sale, within twenty days, so much of any stocks deposited with him, as shall be necessary to redeem any notes of said bank, and apply the proceeds of said stocks in the redemption of such notes; no stock shall be sold at private sale for less than the par value thereof, nor for less than their market value in New York, if such market value is above par; nor shall stock be sold on credit; and for any deficiency in the sale of said stocks to pay the holders of its notes, the directors and stockholders shall be individually liable. The treasurer shall pay the full amount of notes or bills, out of any money he may receive, whether from sale of stocks, or from the receiver or receivers; and for any deficiency to redeem such notes or bills from the sale of said stocks, the receiver or receivers shall prosecute and collect the same of the stockholders upon their individual liability.

On failure to redeem, bill holder to make affidavit & file the same with state treasurer—duties of state treasurer thereupon.

Sec. 4. The stocks deposited with the state treasurer, for the se-

Stocks deposited for security of bill, to be held for that purpose exclusively.

Bank entitled to dividend on such stock, except in certain specified cases.

Annual examination of bank by state treasurer.

In case of insolvency receiver to be appointed by state treasurer, aud. general & secretary of state.

curity of the circulating notes by him countersigned and delivered to said bank, shall be held by him exclusively for that purpose, until such notes are redeemed, except as herein otherwise provided. The bills or notes so countersigned, shall have stamped or printed on them the words, "secured by the pledge of stocks," and shall be thus countersigned and delivered to the amount to which said bank has entitled itself, on the written order of the president or cashier. The bank shall be entitled to receive the interest, or dividend, on all stocks deposited, under the second section of this act, unless they fail to redeem their circulating notes: *Provided however,* That whenever the price of any of the stocks pledged for the security or redemption of the circulating notes of said bank, shall be at the stock exchange, in the city of New York, for four consecutive weeks, at a price or rate less than the value at which such stock shall have been estimated, when deposited, the treasurer shall receive and retain the interest or dividend on the stock pledged, until the interest so received, when added to the market value of the stocks so deposited, to be ascertained as in this section before provided, will be equal in amount for which such stocks were deposited, or immediately give notice thereof to the president or cashier of said bank, who shall forthwith return to said treasurer an amount of circulating notes, so countersigned, equal to the depreciation of said stocks.

Sec. 5. It shall be the duty of said treasurer to examine into the affairs and condition of said bank, at least once in each year, and oftener if he should see fit; and for that purpose he shall have power to administer all necessary oaths to the directors, officers, agents, and clerks of said bank, and to examine them under oath in relation to the affairs and condition thereof; if the treasurer, auditor general, and secretary of state, or a majority of them, should decide at any time that said bank was insolvent, either upon the examination of the treasurer, or upon satisfactory evidence to them, that said bank has refused to pay any of its circulating notes, when lawfully demanded, in gold or silver coin, they shall forthwith appoint a receiver or receivers, and require of him or them such bond and securities as they shall deem proper; who shall proceed to take possession of the books, records, and assets of every description of said bank, collect all debts, dues, and other claims belonging to said bank; settle and compound for all bad and doubtful debts, sell all the real and personal property of said bank,

prosecute the stockholders of said bank in all cases where they are personally liable, and to pay over all moneys so made to the state treasurer. Said receiver or receivers shall receive such compensation as the state treasurer, auditor general, and secretary of state or a majority of them, shall determine; which the state treasurer shall pay out of any money paid into his office by said receiver or receivers, and all other expenses shall be determined and paid in the same manner. The state treasurer shall cause notice to be given by advertisement, in one daily paper published in the city of Detroit, and also in the state paper, for six consecutive months, calling on all persons who have claims against said bank, to make legal proof, and after the end of one year after the first publication of such notice, the treasurer, after full provisions shall have been made for redeeming the circulating notes of said bank, shall make a rateable dividend of the moneys so paid over to him by such receiver or receivers, on all such claims as may have been proved; and from time to time, as the proceeds of the assets of said bank shall be paid over to him, the said treasurer shall make further dividends as aforesaid on all claims proved; and the remainder, if anything, shall be paid over to the stockholders of said bank, or their legal representatives, in proportion to the stock by them severally held. The auditor general, secretary of state, and state treasurer, or a majority of them may, at any time, upon evidence satisfactory to them, vacate the appointment of any receiver or receivers, and appoint others, or they may re-instate said bank in the possession of any and all assets, that may have been in possession or charge of said receiver or receivers; and any of the justices of the supreme court are hereby authorized summarily to make an order, or issue any process, which a court of chancery might make or issue, to enable the said officers to carry out the provisions of this act.

Duties of receiver.

Duties of state treasurer in redemption of notes.

Vacation of appointment of receiver, &c.

Sec. 6. The said bank shall pay the state treasurer on or before the second Monday in each year thereafter during its corporate existence, one per cent. on its capital stock, which shall be in lieu of all other taxes, provided that the value of real estate, as assessed by the proper town officers or estimated by the state treasurer which may be owned in fee by said bank, shall be deducted from said capital stock, for the purpose of taxation, and all real estate owned by said bank, shall be taxed as other property in the several townships cities and villages, where the same may be situated.

State tax.

Sec. 7. No more than seven per cent. per annum, shall be taken

Rate of discount.

for any loan or discount under any pretence whatever by said bank. nor shall said bank at any time pay out any bills or promissory, notes of other banks which are not at par value in the city of Detroit at the time of such paying out, and shall not at any time after one year from the expiration of the present charter, issue or put in circulation any note, draft, bill of exchange, acceptance, certificates of deposits or other evidence of debt of its own emission, which from its character or appearance, shall be calculated or intended to circulate as money, other than such notes or bills of circulation as are countersigned, as by this act provided, and which said bank are expressly authorized to issue, for the purpose of being circulated as money. All transfers of the notes, bonds, bills of exchange, and other evidences of debt, owing to said bank, or of deposits to its credit, all deeds of conveyance, of real estate, all assignments of mortgages or other securities on real estate, or of judgments or decrees in its favor; all sales, assignments or other disposition of any personal property or of any chose in action belonging to said bank, all deposits of money, bullion or other valuable thing. for its use or for the use of any of its stockholders or creditors; all payments of money made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, shall be held utterly null and void.

Emission of
bills of other
banks regu-
lated.

Assignm'ts,
&c. in view
of insolven-
cy, void.

State treas-
urer to pub-
lish annual-
ly a state-
ment of con-
dition of
bank.

Sec. 8. It shall be the duty of the state treasurer to cause to be published a statement of the affairs and condition of said bank, at least once in each year, as ascertained, when he may visit and examine the same, and the expenses of such visitation, publication, selling of stocks and redeeming of the bills as provided in this act, and of the registering and countersigning of the bills as hereinbefore provided, shall be determined by the state treasurer and paid by said bank.

Assent of
stockhold'rs
to this act
required to
be filed in
secretary of
state's office

Sec. 9. The charter of said corporation shall not be extended by virtue of this act unless the present stockholders or their representatives shall, on or before the fifth day of November, A. D. eighteen hundred and forty-nine, cause to be filed with the auditor general of this state, a certificate under the corporate seal of said bank, and signed by its president and cashier, setting forth that said corporation assents to become subject to all the provisions of this act.

Sec. 10. The legislature may at any time, alter, amend or repeal this act.

Approved March 24, 1849.

[No. 125.]

AN ACT to incorporate the Ray and Almont Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That David Ingalls, Daniel Black, Neil Gray, jr., Norman Perry, and Porter Kibbee, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Ray and Almont plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Ray and Almont plank road company, with corporate succession. ^{incorporation.}

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from Grey's mill (so called) in the township of Ray, in the county of Macomb, on the most eligible route to the village of Almont, in the county of Lapeer. ^{Route of road.}

Sec. 3. The capital stock of said company shall be fifteen thousand dollars, in seven hundred and fifty shares of twenty dollars each, with power to increase said capital stock to twenty thousand dollars, with a corresponding increase of the number of shares. ^{Capital and shares thereof.}

Sec. 4. This act shall be, and remain in force for the term of sixty years from and after its passage, but the legislature may at any time, alter, amend or repeal this act, by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided* That after the said thirty years, no alteration or reduction of tolls of said company shall be made during its existence, unless the yearly net profit of said company over and above all expenses, shall ^{Duration of charter—its amendment, repeal, &c.}

exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Company
may connect
with Mt.
Clemens &
Romeo P. R.
company.

Sec. 5. Said company hereby created shall have power to, and may connect the said road with the road of the Mt. Clemens and Romeo plank road company at or near Grey's mills, aforesaid, by and with the consent of the said Mt. Clemens and Romeo plank road company.

General pro-
visions.

Sec. 6. The provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made a part of this act.

Sec. 7. This act shall take effect from and after its passage.

Approved March 24, 1849.

[No. 126.]

AN ACT to incorporate the Trenton and Ypsilanti Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James I. David, Arthur Edward, S. F. Atwood, Harry Saunders, and Henry Raymond, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Trenton and Ypsilanti plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created a body corporate and politic by the name and style of the Trenton and Ypsilanti plank road company, with corporate succession.

Route of
road.

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Trenton, in the county of Wayne, on the most eligible route to the village of Ypsilanti, in the county of Washtenaw.

Capital.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, divided into two thousand shares of twenty-five dollars each.

Duration of
charter—its
amendment,
repeal, &c.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may, at any time, amend or repeal this act, by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not

be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of tolls of the said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there shall be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved March 24, 1849.

[No. 127.]

AN ACT for the relief of School District number eight of the township of Ransom, in the county of Hillsdale.

Whereas, In consequence of a vacancy occurring in the office of Preamble. director of school district number eight, of the township of Ransom, in the county of Hillsdale, preceding the last annual school meeting in said district, whereby a compliance with the provisions of section fifty-four of chapter fifty eight of the revised statutes of eighteen hundred and forty-six, was prevented, therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the present director of school district number eight, of the township of Ransom, in the county of Hillsdale, be, and he is hereby authorized, at any time within twenty days after the passage of this act, to report directly to the superintendent of public instruction, all the facts required by the provisions of section fifty-four of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six, which report shall embrace all matters pertaining to said district required by said section fifty-four to be reported for the school year ending on the day of the last annual school meeting. Directors of S. D. No. 8, Ransom, to make special report.

Sec. 2. On such report being made and received by the superintendent of public instruction, within the time required by the preceding section, it shall have the same force and effect as if the Effect of report.

same had been made in the usual manner, at the end of the last school year, and such district shall be entitled to receive its quota of school moneys to the same extent as though such report had not been omitted at the end of the last school year.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 24, 1849.

[No. 128.]

AN ACT to amend an act entitled "an act to authorize the sale of the Southern Railroad, and to incorporate the Michigan Southern Railroad Company."

Time of
payment of
instalments
of the pur-
chase price,
of Mich. S.
R. R. Co.
extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time mentioned in an act entitled "an act to authorize the sale of the southern railroad and to incorporate the Michigan southern railroad company," approved May 9th, 1846, for the payments of the several instalments of money owing and to become due the state by said company, be extended for the term of five years from the period when the said instalments severally become due: *Provided*, That nothing herein contained shall be construed to extend or postpone the payment of the interest semi-annually on the whole unpaid portion of the purchase price, which shall be estimated and paid at the rate of seven per cent. per annum: *And provided further*, That the net proceeds of said Michigan southern railroad shall be faithfully applied towards the construction of said road westerly by the village of Jonesville, in the county of Hillsdale, to Coldwater, in the county of Branch, and any balance over and above the net proceeds which may be required for the completion of said road to Coldwater, aforesaid, by the twenty-third day of December, eighteen hundred and fifty, and at least one half of the distance from Hillsdale in the county of Hillsdale, to Coldwater, aforesaid, within one year from the passage of this act, shall be provided by assessment or otherwise, so as to secure its completion, as aforesaid, within the periods above mentioned: *And provided further*, That said company shall construct, finish and put in operation the whole of said railroad from Coldwater to some eligible point on the St. Joseph river, in the county of

Conditions
of such ex-
tension.

St. Joseph, on or before the twenty-third day of December, eighteen hundred and fifty-seven, and at least one-seventh thereof, each year during said time, after the completion to Coldwater, as aforesaid.

Sec. 2. Before said company shall be entitled to the benefit of this act, they shall pay into the state treasury, in money or state indebtedness authorized by the act to which this is amendatory, the sum of nine thousand dollars, with interest to be computed at the rate of seven per cent., from the twenty-third day of December, eighteen hundred and forty-six, for a new locomotive and freight cars, which were put upon said road by the state after July, eighteen hundred and forty-six, and shall also obtain and file with the secretary of state the assent, in writing, to the provisions of this act, of all the obligors and sureties in a certain bond, prescribed in section two of the act to which this is amendatory, and heretofore executed to and now held by the state; or in case the assent as aforesaid, of all of said obligors and sureties cannot be obtained, such other further security as shall be equivalent thereto and satisfactory to the auditor general.

Company to pay amount due for engines, &c., and file assent of their sureties before this act shall take effect.

Sec. 3. The annual report required to be made by the directors of said company to the secretary of state, under the provisions of section thirty of the act hereby amended, shall apply to and include the portion of said road to be constructed west of Hillsdale, equally with the portion of said road between Monroe and Hillsdale, and the annual tax to the state, prescribed and required by section thirty-one of said act hereby amended, shall be paid upon five hundred thousand dollars of purchase money paid or to be paid to the state, and upon so much of the capital stock paid in, as shall be in excess of the said five hundred thousand dollars, and also upon all sums of money, whether arising from the net proceeds of said road or otherwise, as shall from time to time be invested in any new construction or stocking of said road, whether west or east of Hillsdale; and also upon all loans made to said company for the purpose of constructing said road, or purchasing, constructing, chartering or hiring of steamboats, authorized by this act, to be held by such company under the act hereby amended: and the tax so required to be paid at the times, in the manner, and at the rates specified in said section thirty-one as the same is hereby amended.

Annual report of said Co. to apply to new road.

Sec. 4. The provisions of "an act to authorize the sale of the

Original
charter not
to be affect-
ed by this
act except
as specific-
ally men-
tioned here-
in

southern railroad, and to incorporate the Michigan southern railroad company," approved May 9, 1846, shall in all respects, and to the payments hereby extended as they severally become due, be applicable to the road so built and extended west of Hillsdale. and this act shall not be so construed as in any way to enlarge the rights and capacities, or change the liabilities and obligations of said company to the state, but that the original act authorizing the sale of the southern railroad, shall remain in full force and virtue in each and every particular therein stated (any thing herein mentioned and contained to the contrary notwithstanding.) except the mere extension of the time for the payment of the said several instalments as they shall hereafter become due, on the conditions herein specified: and excepting also the provisions herein contained, relative to that portion of the road herein mentioned, to be built and constructed westerly from Hillsdale, the increase of the rate of interest, and the forfeitures herein provided for.

Assent of
company to
be filed with
secretary of
state.

Sec. 5. The said Michigan southern railroad company, by their president and secretary, shall file their written assent to this act within sixty days after its approval, in the office of the secretary of state, and proceed with all practicable despatch in the construction of said road; and in case of the failure on the part of said company to finish and complete and put in running order the said road from the village of Hillsdale, in the county of Hillsdale, to Coldwater, in the county of Branch, by the said twenty-third day of December, in the year eighteen hundred and fifty, and from thence to some eligible point on the St. Joseph river, in the county of St. Joseph, in all respects as required in section one, then and in that case the whole of said Michigan southern railroad and all the rights, and privileges, immunities and franchises growing out of or granted by this amendatory act, and the act to which this is amendatory, shall become forfeited forever to and be vested in the state, together with all the appurtenances, including all machine shops, depots and other buildings, and stock upon the line of said road of whatever name, nature, kind or description, and all lands and estate, or interest in lands, and rights of way which the Michigan southern railroad company had, has or may have, or shall hereby and hereafter acquire, and the payment which may at the time of such forfeiture have been made to the state by said company.

Sec. 6. The said company shall immediately after the filing of their written assent to this act, and before any of the rights and privileges herein and hereby granted shall take effect, for all portions of the said road westerly from Hillsdale to Coldwater, first secure the lands or right of way, and for all portions of the road west of Coldwater as far as the same is, by this amendatory act, required to be constructed, finished and put in operation, and vest the same in the state of Michigan, by gift, purchase or assessment of damages, as provided in the said act to which this is amendatory; and the said rights of way, when so conveyed or obtained, together with the railroad constructed afterwards thereon, by the said company, with all the rights, privileges, immunities, franchises and appurtenances, and the stock thereon shall then and thereafter vest in and become the property of the state forever, and be incapable of being sold either on execution, or by virtue of any decree of any court, or mortgaged or hypothecated, or in any manner whatsoever incumbered until the indebtedness due or to become due the state from the said company, of principal and interest, is fully paid, ended and discharged, and in compliance with the true intent and meaning of the act to which this is amendatory, and with the provisions herein contained.

Rights of way to be secured and vested in the state.

Sec. 7. This act shall take effect within sixty days from and after its passage: *Provided*, Said company shall within that time file its assent as aforesaid, and perform the conditions necessary to entitle said company to the benefits of this act as herein before prescribed.

Sec. 8. The legislature shall have a right, at any time after thirty years from the passage of the act to which this is amendatory, to alter, amend or repeal this act and the act to which this is amendatory, by a vote of two-thirds of each branch of the legislature: *Provided*, The said company shall be compensated by the state for all damages sustained by reason of such alteration, amendment or repeal.

The above act was returned to the Senate, in which the same originated, on the 13th day of March, 1849, without the approval of the Governor; was passed by the Senate, notwithstanding the objections of the Executive, by a vote of two-thirds of the Senators present, on the 15th day of March, 1849; was passed by the House of Representatives, by a vote of two-thirds of the Representatives

present, on the 24th day of March, 1849, and was filed in the office of the Secretary of State on the 26th day of March, 1849.

GEO. W. PECK, *Secretary of State*.

[No. 129.]

AN ACT to amend an act to incorporate the Dexter and Michigan Plank Road Company, approved April third, eighteen hundred and forty-eight.

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the first section of an act entitled "an act to incorporate the Dexter and Michigan plank road company," approved April third, eighteen hundred and forty-eight, shall and is hereby amended; that the name and style of the said company shall hereafter be known only by the name and style of the Dexter and Lansing plank road company.

ibid.

Sec. 2. The second section of the act hereby amended shall be and the same is hereby amended by substituting the word Lansing in the place of the word Michigan, in said section.

ibid.

Sec. 3. The directors of the company shall have the right at any time to increase or diminish the amount of its capital by calling a meeting of the shareholders at the village of Dexter, in the county of Washtenaw, by publishing a notice in one of the papers printed in each of the counties of Washtenaw and Ingham, for at least six successive weeks, and by depositing a printed or written copy thereof in the post office at the said village of Dexter, addressed to each shareholder, at his or her usual place of residence, or deliver the same personally at least six weeks previous to the day appointed for such meeting, and which notice shall specify the time and place when and where the said meeting is to be held, the object of the meeting and the amount to which it is proposed to increase or diminish the capital of the company. A vote of at least two-thirds of all the shares in person or by proxy, shall be necessary to increase or diminish its capital stock, before any diminution of the capital shall take effect, and the said company shall file in the office of the secretary of state a certificate verified by the oaths of a majority of the directors of the company, that the amount of the debts and liabilities of the company, do not exceed the amount of the capital to which it is so proposed to be reduced.

ibid.

Sec. 4. The time required by the fourth section of an act entitled "an act relative to plank roads," passed the thirteenth day of March, eighteen hundred and forty-eight, for the commissioners named in the act hereby amended, to proceed to estimate the length of the road and to cause the books to be opened for the subscription of the stock, shall be and the same is hereby extended for two years from the passage of the act hereby amended.

Approved March 26, 1849.

[No. 130.]

AN ACT to amend an act entitled "An act to authorize the Governor to issue Patents in certain cases," approved April twenty-eight, one thousand eight hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the provisions of an act entitled "an act to authorize the governor to issue patents in certain cases," approved April 28th, 1846. shall be, and the same are hereby made applicable to all certificates of sale lawfully issued by the superintendent of public instruction, prior to the establishment of the state land office, and patents shall be issued therefor, and upon the assignments thereof, in the same manner, on the same condition, under the same restrictions, and with the like effect as in the several cases contemplated by the provisions of said act.

Issue of patents in certain cases regulated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 26, 1849.

[No. 131.]

AN ACT to amend an act, entitled an act for the improvement of the Bellevue and Waterloo state road, in the county of Eaton, approved March twenty-seventh, A. D. one thousand eight hundred and forty-eight.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the special commissioner named in the the act entitled an act for the improvement of the Bellevue and Waterloo state road, in the county of Eaton, approved

Act amended.

March 27, 1848, shall be entitled to receive as compensation for any services rendered in the discharge of any duties imposed on him by virtue of the above act, a sum not exceeding one dollar per day for the time employed by him in carrying out the provisions of said act, and his account verified by his oath, shall be paid out of any funds in the hands of the county treasurer, belonging to the Bellevue and Waterloo state road fund.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 26, 1849.

[No. 132.]

AN ACT appropriating certain Highway Taxes for the improvement of a certain Road in the Counties of Barry and Eaton.

N. R. highway taxes appropriated on certain road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all the non-resident lands within one mile on each side of the road, commencing seventy-three rods east of the north-west corner of section seventeen, in town three north of range eight west, and running thence north one hundred and sixty rods, thence east three hundred and twenty-seven rods, thence north to the township line, thence east on town line road to the north-west corner of section four, in town three north of range five west, to where the said town line road intersects the Lansing and Hastings road at Vermontville, in the county of Eaton, be, and the same is hereby appropriated for the improvement of such road, afore-said, for the period of three years from the passage of this act: *Provided*, That when the lines running parallel to said road at the distance of one mile from such road, on either side thereof, shall intersect any legal sub-division of land as usually sold at the United States' land office, the non-resident highway taxes of all such sub-divisions, and such only, shall be appropriated for the purposes aforesaid, as have the greatest proportion lying between such parallel lines and the road aforesaid.

Statement to be made by supervisor.

Sec. 2. The supervisors of the several townships aforesaid, shall make statements of the lands included within the provisions of this act, in their several townships, and certify the same to the county treasurers of the counties of Barry and Eaton, aforesaid; which

statements and certificates shall be attached to the assessment rolls to be delivered to the several collectors of taxes of such township, and returned to the county treasurers with said rolls. And it shall be the duty of the county treasurer to pay over the moneys accruing on such non-resident lands, upon the order of the commissioners of highways, or a majority of them, of the said towns severally, which moneys shall be appropriated by such commissioner in constructing or repairing said road, according to the provisions of section twenty-one, of chapter twenty-four of the revised statutes of eighteen hundred and forty-six.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1849.

[No. 133.]

AN ACT to amend an act entitled "an act to establish an Asylum for the Deaf and Dumb and Blind, and also an Asylum for the Insane of the State of Michigan."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That section eleven of an act entitled "an act to establish an asylum for the deaf and dumb and blind, and also an asylum for the insane of the state of Michigan," be so amended as to read as follows: "It shall be the duty of the commissioner of the state land office to make immediate selections of the lands appropriated by this act, and keep on file, in his office, a list of the same, which lands shall thereupon be under the control of the board of trustees, who shall have power to order the sale of the same or portions of the same, from time to time, under the supervision of the commissioner of the state land office, as they may deem proper and for the best interest of the state, and the proceeds of the same, when paid into the state treasury, shall be passed to the credit of a fund to be called the 'asylum fund.'"* Act amended.

Sec. 2. That section twelve of said act be so amended as to read: Ibid.
"the board of trustees shall appoint one of their number as acting commissioner, whose duty it shall be to take charge of, direct and superintend the erection of the necessary buildings, under the direction of the board of trustees, whenever the proceeds of said lands, paid in the state treasury, shall be deemed sufficient by the gov-

Directors,
their powers
and duties.

Sec. 2. Said corporation shall have a board of directors, not less than five nor more than thirteen in number, one of whom shall be president of the bank, and may also have such other officers as the by-laws may provide for. The first board of directors shall be the said Charles Howard, William Brewster, Gurdon Williams, Henry P. Bridge, D. Bethune Duffield, James A. Armstrong and Henry H. Brown; and the said Charles Howard shall be the first president. Said board of directors shall have such power touching the management and conduct of said bank as shall be conferred on them by the by-laws of said corporation, consistent with the provisions of this act. Said board, as well as the president of the bank, shall be

Annual election of
directors, &c.

elected annually on the first Monday of June, in each year, by the stockholders of said bank, but in case of an omission to elect on said day, it shall be lawful to hold the election subsequently, on such other day as the by-laws may provide; and the officers for the previous year shall continue to discharge their duties until such subsequent election is held.

Capital and
share there-
of.

Sec. 3 The capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each; each share of stock shall be entitled to one vote, and stockholders not present may vote by proxy.

Powers of
Co., rate of
discount, &c.

Sec. 4. Said corporation shall not directly or indirectly deal or trade in any thing except gold and silver, bills of exchange, or promissory notes, or except in the sale of such goods and chattels, rights in action, or other personalities as may be really and truly pledged or hypothecated to the bank in security for money loaned, and which shall not be legally redeemed in due time; and said corporation shall not take more than at the rate of seven per cent per annum discount upon its loans.

Issue of bills
of circulation,
&c.

Sec. 5. Said corporation may receive deposits, make loans, grant bills of exchange, issue its own notes payable on demand at its office in the lawful currency of the United States, and transact all other business incident and essential thereto: *Provided*, That it shall not be lawful for said corporation to issue any note of a less denomination than one dollar, nor any note which has not been duly countersigned and registered in the office of the state treasurer of this state, as hereinafter provided: *Provided further*, That said

bank shall not pay out or put in circulation the bills or notes of other banks, which are not at the time of such paying out at par in the city of Detroit.

Sec. 6. Said corporation shall deposit with the state treasurer of this state any stocks of the United State of America, the state of New York, or six per cent. stocks of the state of Michigan on which interest is paid, which said stocks shall be estimated at their market value in the city of New York, and for the amount of stocks so deposited, the state treasurer shall countersign and register an equal amount of the notes of said corporation, of such denomination, not less than one dollar, as said corporation may desire, and deliver the same to said corporation; and on such notes so delivered shall be written, printed or engraved the words, "countersigned and registered in the state treasurer's office, and secured by pledge of stock," with the signature of the state treasurer written beneath the same; and the state treasurer shall keep a register of all notes so countersigned and delivered, showing the number and denomination of each note and the date of the delivery of the same. To entitle the stockholders to the benefit of this act, there shall be deposited with the state treasurer, of the stocks aforesaid, fifty thousand dollars on or before the first day of October next, and the amount of stock so deposited shall not, any time after the first day of January next, be less than one hundred thousand dollars.

Bank shall deposit state stocks, &c., for security of bill holders.

Issue, countersigning & registry of notes by state treasurer.

Sec. 7. If said corporation shall at any time, or under any pretence, refuse on demand at its office, during the usual and regular banking hours, to pay any of its notes in the lawful currency of the United States of America, the holder of said note may make and file his affidavit of that fact with the state treasurer, who shall thereupon give public notice that the notes of said bank will be redeemed at his office, and that the said treasurer is authorized and required to sell at public auction or private sale, within twenty days, so much of any stock deposited with him as shall be necessary to redeem any notes of said bank, and apply the proceeds of said stock in the redemption of such notes: no stock shall be sold at private sale for less than the par value thereof, nor at less than the market value in the city of New York at the time of such sale, nor shall stock be sold on credit, and for any deficiency in the sale of said stocks, to pay the holders of its notes, the directors and stockholders

In case of failure to redeem notes, bill-holders to apply to state treasurer; his duty thereupon, &c.

shall be individually liable. The treasurer shall pay the full amount of notes or bills out of any money he may receive, whether from sale of stocks or other assets of said company, or from the receiver or receivers, and for any deficiency to redeem such notes or bills from the sale of said stocks, the receiver or receivers shall prosecute and collect the same of the stockholders upon their individual liability.

Real estate of company. Sec. 8. Said corporation may acquire and hold such real estate as may be necessary for its office or banking house, not exceeding in value twenty thousand dollars, but shall acquire and hold no other real estate, unless it shall acquire the same by bona fide mortgage as security for money loaned by said corporation, or by conveyance in payment and satisfaction in whole or in part of debts to said corporation previously contracted in the regular course of its dealings, or unless said corporation shall purchase the same under judgment or decrees, either rendered in favor of said corporation, or which have become its property in the course of the collection of its debts.

Dividends. Sec. 9. Semi-annual dividends shall be made of so much of the profits of the bank as the board of directors shall deem expedient, on the first Mondays of August and February respectively, in each year.

General provisions. Sec. 10. Said corporation shall be subject to all the provisions of chapter fifty-five, title ten of the revised statutes of A. D. 1846, so far as the same are applicable and not inconsistent with this act.

Counter-signing of bills. Sec. 11. The stocks deposited with the state treasurer for the security of the circulating notes by him counter-signed and delivered to said bank, shall be held by him exclusively for that purpose until such notes are redeemed, except as herein otherwise provided. The bills or notes so countersigned shall have stamped or printed on them the words "secured by the pledge of stocks," and shall be thus countersigned and delivered to the amount to which said bank has entitled itself, on the written order of the president or cashier. The bank shall be entitled to receive the interest or dividend on all stocks deposited, under the provisions of this act, unless they fail to redeem the circulating notes: *Provided, however,* That whenever the price of any of the stocks pledged for the sec-

Bank to receive dividends on stock deposited, except in certain cases.

erty or redemption of the circulating notes of said bank, shall be at the stock exchange, in the city of New York, for four consecutive weeks, at a price or rate less than the value at which such stock shall have been estimated when deposited, the treasurer shall receive and retain the interest or dividend on the stock pledged, until the interest so received when added to the market value of the stocks so deposited, to be ascertained as in this section before provided, will be equal to the amount for which such stocks were deposited, or immediately give notice thereof to the president or cashier of said bank who shall forthwith return to said treasurer an amount of circulating notes so countersigned equal to the depreciation of said stocks.

Sec. 12. It shall be the duty of said treasurer to examine into the affairs and condition of said bank at least once in each year, and oftener if he should see fit; and for that purpose he shall have power to examine the books, papers, and personal property of said bank, and to administer all necessary oaths to the directors, officers, clerks or agents of said bank, and to examine them under oath in relation to the affairs and condition thereof; if the treasurer, auditor general and secretary of state, or a majority of them should decide at any time that said bank was insolvent, either upon the examination of the treasurer or upon satisfactory evidence to them that said bank has refused to pay any of its circulating notes when lawfully demanded, in gold or silver coin. they shall forthwith appoint a receiver or receivers, and require of him or them such bonds and securities as they shall deem proper, who shall proceed to take possession of the books, records, and assets of every description of said bank, collect all debts, dues and other claims belonging to said bank, settle and compound for all bad and doubtful debts, sell all the real and personal property of said bank, prosecute the stockholders of said bank in all cases where they are personally liable, and to pay over all moneys so made to the state treasurer. Said receiver or receivers shall receive such compensation as the state treasurer, auditor general and secretary of state, or a majority of them shall determine, which the state treasurer shall pay out of any money paid into his office by said receiver or receivers, and all other expenses shall be determined and paid in the same manner. The state treasurer shall cause notice to be given by advertisement in

Annual examination of bank by state treasurer.

In case of insolvency, receiver to be appointed &c.

Duties of receiver.

Proof of demands and duties of state treasurer in redemption of notes.

one daily paper published in the city of Detroit, and also in the state paper, for six consecutive months, calling on all persons who have claims against said bank, to make legal proof; and after the end of one year after the first publication of such notice, the treasurer, after full provisions shall have been made for redeeming the circulating notes of said bank, shall make a rateable dividend of the moneys so paid over to him by such receiver or receivers, on all such claims as may have been proved, and from time to time, as the proceeds of the assets of said bank shall be paid over to him, the said treasurer shall make further dividends, as aforesaid, on all claims proved: and the remainder, if any thing, shall be paid over to the stockholders of said bank, or their legal representative, in proportion to the stock by them severally held.

Vacation of appointment of receiver, &c.

The auditor general, secretary of state and state treasurer, or a majority of them may, at any time, upon evidence satisfactory to them, vacate the appointment of any receiver or receivers, and appoint others, or they may reinstate said bank in the possession of any and all assets that may have been in possession or charge of said receiver or receivers: and any of the justices of the supreme court are hereby authorized summarily to make any order or issue any process which a court of chancery might make or issue to enable the said officers to carry out the provisions of this act. And said bank is hereby required on the demand of said treasurer to submit to full examination on the part of said treasurer, and any refusal to submit to said examination shall operate and be construed as a forfeiture of its charter.

State tax.

Sec. 13. The said bank shall pay the state treasurer on or before the second Monday of January 1850, and on or before the second Monday of January in each year thereafter, during its corporate existence, one per cent. on its capital stock, which shall be in lieu of all other taxes, provided that the value of real estate, as assessed by the proper township officers or estimated by the state treasurer, which may be owned in fee by said bank, shall be deducted from said capital stock, for the purpose of taxation; and all real estate owned by said bank, shall be taxed as other property in the several townships, cities and villages where the same may be situated.

Sec. 14. No more than seven per cent. per annum, in advance, shall be taken for any loan or discount, under any pretence what-

ever, by said bank, and said bank shall not at any time issue or put in circulation any note, draft, bill of exchange, acceptance, certificates of deposits, or other evidence of debt of its own emission, which from its character or appearance shall be calculated or intended to circulate as money, other than such notes or bills of circulation as are countersigned, as by this act provided, and which said bank is expressly authorized to issue for the purpose of being circulated as money. All transfers of the notes, bonds, bills of exchange, and other evidence of debt owing to said bank or of deposits to its credit, all deeds of conveyance of real estate, all assignments of mortgages or other securities on real estate or of judgments or decrees in its favor, all sales, assignments, or other disposition of any personal property, or of any chose in action belonging to said bank, all deposits of money, bullion, or other valuable thing, for its use or for the use of any of its stockholders or creditors; all payments of money made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, shall be held utterly null and void.

Rate of discount, prohibition against issue of certain bills, &c.

Fraudulent assignments &c.

Sec. 15. It shall be the duty of the state treasurer to cause to be published a statement of the affairs and condition of said bank, at least once in each year, as ascertained when he may visit and examine the same, and the expenses of such visitation, publication, selling of stocks, and redeeming the bills or notes as provided in this act, and of the registering and countersigning of the bills as hereinbefore provided, shall be determined by the state treasurer and paid by said bank.

State treasurer to publish annual statement.

Sec. 16. The legislature may, at any time, alter, amend or repeal this act.

Approved March 28, 1849.

[No. 136.]

AN ACT to amend and consolidate the act to incorporate the Stockholders of the Michigan Insurance Company of Detroit, approved March seventh, eighteen hundred and thirty-four, and the several acts amendatory thereto.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the several persons now,

Mich. Insurance Co.

or hereafter stockholders of the Michigan Insurance company of Detroit, as organized under an act approved March seventh, eighteen hundred and thirty-four, and the several acts amendatory thereto, shall be and continue a body corporate and politic, in fact and in name, by the name of "the Michigan insurance company of Detroit," until the first Monday of June in the year eighteen hundred and sixty, and by their corporate name may sue and be sued in all courts, and in all manner of actions whatsoever, and have a common seal, and alter and change it at pleasure, and by their corporate name be capable of purchasing, holding and conveying any estate, real or personal, subject to the restrictions hereinafter mentioned.

Shares of
stock, direc-
tors & their
election, &c.

Sec. 2. A share in the stock of said company shall be thirty dollars, and the number of shares shall not be less than five thousand, nor more than ten thousand. The said company shall be managed by five directors, who shall be elected by the stockholders of said company, one of whom shall be president, who shall hold their offices for one year and until their successors are elected. The annual election shall be on the first Monday in June of each year, but in case of an omission it shall be lawful to hold the election subsequently on such other day as the by laws may provide, and the officers for the previous year shall continue to discharge their duties until such subsequent election is held. Each share of stock shall be entitled to one vote, and stockholders not present may vote by proxy.

Powers of
board of di-
rectors.

Sec. 3. The board of directors, or a majority of them, shall have power to make such rules and regulations not inconsistent with this act, as to them shall appear needful, touching the management of said company; to appoint such officers and clerks as may be necessary to carry on the business of said company, and to call a meeting of the stockholders.

Real estate
company.

Sec. 4. The lands which it shall be lawful for the said company to hold, shall be such only as shall be required for the transaction of its business, or such as shall have been bonafide mortgaged to the said company by way of security, or which may be conveyed to it in satisfaction of debts previously contracted, or purchased at sales upon judgments in its favor; and it shall not deal or trade in buying or selling of goods, wares or merchandise unless they have been received in payment of debts. And it shall be lawful for said

Michigan insurance company to issue bills or notes to be loaned or put in circulation as money, receive deposits, make discounts, and transact a legitimate banking business, on the conditions and subject to the restrictions contained in this act. The said Michigan insurance company shall not issue bills or notes or other evidence of debt, of a less denomination than one dollar, or except the same shall be payable on demand in gold or silver coin, at the office or banking house of said company, in the city of Detroit.

Banking powers.

Sec. 5. The said Michigan insurance company shall preserve entire and at all times have actually paid in, the present capital of sixty thousand dollars, and may issue and put in circulation as money, notes or bills, registered and countersigned as hereinafter provided, an amount not exceeding one hundred and twenty thousand dollars, and for all the bills or notes now issued or that may hereafter be issued by said Michigan insurance company, either under its present charter or as by this section provided, upon refusal to pay the same by said Michigan insurance company, on demand at its office or banking house in business hours, or in case of insolvency, the directors and stockholders thereof, or any person who may have been a director or stockholder within two years previous to such refusal to pay, or insolvency, shall be jointly and severally liable in their individual capacities, and such directors and stockholders may be sued upon any such liability of said corporation, jointly or severally, and judgment may be recovered against them or either of them for all such sum or sums as they fail to pay on such demand, and any refusal of payment by said corporation of any such evidence of debt due by it, shall be presumptive evidence of insolvency. The bank note plates of said corporation shall be kept in the custody of the state treasurer, and all bills or notes issued or re-issued or put in circulation as money, after thirty days from the passage of this act, by said corporation, shall first be registered and countersigned by said treasurer and have printed or stamped thereon the words "secured by individual liability;" and said corporation shall be entitled to have thus registered, countersigned and delivered, such an amount as it may be entitled to, but all of its issues or notes in circulation shall not at any one time exceed one hundred and twenty thousand dollars, or exceed twice the amount of that part of the above sixty thousand dollars, actually

Issue of bills.

Liability of directors & stockholders

State treasurer to keep note plates of bank.

Registry of notes.

paid in and preserved entire; unless the same shall be secured by pledge of stock as hereinafter provided.

Deposits of
state stocks
and issue of
notes there-
on.

Sec. 6. Said Michigan insurance company, shall deposit with the state treasurer, as hereinafter provided, stocks of the United States of America, of the state of New York or six per cent stocks of the state of Michigan, on which interest is paid; and for the amount of stocks so deposited the state treasurer, shall countersign and register an equal amount of the notes or bills of said company, of such denomination, not less than one dollar, as said company may desire, and on said bills or notes shall be printed or engraved the words "secured by pledge of public stocks" with the signature of the state treasurer written beneath the same. The state treasurer shall keep a register of all notes countersigned and delivered to said company showing the number and denomination of each note and the date of delivery, also showing which are secured by pledge of stock and which by individual liability.

Registry of
such notes.

Description
of stock to be
deposited,
&c.

Sec. 7. Before the state treasurer shall deliver to said company any bills or notes for circulation based upon any increase of the capital stock of said company, paid in after this act shall take effect, the said company shall transfer to said treasurer in trust, public stocks of the United States, of the state of New York, or six per cent stocks of the state of Michigan, on which interest is paid, to the full amount of the bills or notes so delivered to said company, and new notes may at any time be exchanged for any mutilated notes returned by the bank to said treasurer, which stocks shall be estimated at their market value in the city of New York.

Proceedings
in case of
failure to re-
deem notes
& duties of
state treas-
urer on re-
deeming the
same.

Sec. 8. If the said company shall at any time, or under any pretence, refuse, on demand at its office, where the notes are payable, during the usual and regular banking hours, to pay its notes in the lawful currency of the United States of America, the holder of said notes may make and file his affidavit of that fact with the state treasurer, who shall thereupon give notice that the notes of said company will be redeemed at the office of the said treasurer; those bills or notes secured by the pledge of stocks as soon as said stocks can be sold, and all other notes or bills, as soon as the same can be, from the assets of the bank, or from the liability of the stockholders; the state treasurer is authorized and required to sell, at public or private sale, within twenty days, so much of any stocks

deposited with him, as shall be necessary to redeem any notes of said company, and apply the proceeds of said stocks, first in the redemption of such notes as were issued upon the pledge of stocks; no stock shall be sold at private sale for less than the par value thereof, nor for less than the market value in the city of New York, at the time of each sale, nor shall stock be sold on credit; and for any deficiency in the sale of said stocks to pay the holders of its notes, whether the same are secured by pledge of stock or otherwise, the directors and stockholders shall be individually liable. The treasurer shall first pay the full amount of notes or bills, out of any money he may receive, whether from sale of stocks, from the assets of said company or from the receiver or receivers; and for any deficiency to redeem such notes or bills from the sale of said stocks, the receiver or receivers shall prosecute and collect the same of any stockholder or stockholders upon their individual liability.

Sec. 9. The stocks deposited with the state treasurer, for the security of the circulating notes by him countersigned and delivered to said company, shall be held by him exclusively for that purpose, until such notes are redeemed, except as herein otherwise provided. The bills or notes so secured shall be thus countersigned and delivered to the amount to which said company has entitled itself, on the written order of the president or cashier. The said company shall be entitled to receive the interest, or dividend, on all stocks deposited under the provisions of this act, unless they fail to redeem their circulating notes as provided in this act: *Provided however*, That whenever the price of any of the stocks pledged for the security or redemption of the circulating notes of said company shall be at the stock exchange, in the city of New York, for four consecutive weeks, at a price or rate less than the value at which such stocks were estimated, when deposited, the treasurer shall receive and retain the interest or dividend on the stock pledged, until the interest so received, when added to the market value of the stocks so deposited, to be ascertained as in this section before provided, will be equal to the amount for which such stocks were deposited; or immediately give notice thereof to the president or cashier of said company, who shall forthwith return to said treasurer an amount of circulating notes, so countersigned, equal to the depreciation of said stock.

Amount of bills to be issued by treasurer.

Company shall be entitled to receive the dividends on stocks deposited, except in certain cases.

Annual examination of bank by the treasurer.

In case of insolvency, a receiver to be appointed; his duties, &c.

Proof of demands.

Duties of state treasurer in redemption of notes.

Sec. 10. It shall be the duty of said treasurer to examine into the affairs and condition of said company at least once in each year, and oftener if he should see fit; and for that purpose he shall have power to examine the books, papers, and personal property of said company, to administer all necessary oaths to the directors, officers, clerks or agents of said company, and to examine them under oath in relation to the affairs and condition thereof; if the treasurer, auditor general, and secretary of state, or a majority of them, should decide at any time that said company was insolvent, either upon the examination of the treasurer, or upon satisfactory evidence to them that said company has refused to pay any of its circulating notes, when lawfully demanded, in gold or silver coin, they shall forthwith appoint a receiver or receivers, and require of him or them such bond and securities as they shall deem proper; who shall proceed to take possession of the books, records, and assets of every description of said company, collect all debts, dues, and other claims belonging to said company, settle and compound for all bad and doubtful debts, sell all the real and personal property of said company, prosecute the stockholders of said company in all cases where they are personally liable, and to pay over all moneys so made to the state treasurer. Said receiver or receivers shall receive such compensation as the state treasurer, auditor general, and secretary of state or a majority of them, shall determine; which the state treasurer shall pay out of any money paid into his office by said receiver or receivers; and all other expenses shall be determined and paid in the same manner. The state treasurer shall cause notice to be given by advertisement, in one daily paper published in the city of Detroit, and also in the state paper, for six consecutive months, calling on all persons who have claims against said company, to make legal proof, and after the end of one year after the first publication of such notice, the treasurer, after full provisions shall have been made for redeeming the circulating notes of said company, shall make a rateable dividend of the moneys so paid over to him by such receiver or receivers, on all such claims as may have been proved; and from time to time, as the proceeds of the assets of said company shall be paid over to him, the said treasurer shall make further dividends as aforesaid on all claims proved; and the remainder, if anything, shall be paid over to the stockholders of said company, or their legal representatives, in proportion to the stock by them severally held. The auditor gener-

al. secretary of state, and state treasurer, or a majority of them may at any time, upon evidence satisfactory to them, vacate the appointment of any receiver or receivers, and appoint others, or they may reinstate said company in the possession of any and all assets, that may have been in possession or charge of said receiver or receivers; and any of the justices of the supreme court are hereby authorized summarily to make any order, or issue any process, which a court of chancery might make or issue, to enable the said officers to carry out the provisions of this act; and said company is hereby required, on demand of the state treasurer, to submit to a full examination on the part of said treasurer, and any refusal to submit to such examination shall operate and be construed as a forfeiture of its charter.

Sec. 11. The said company shall pay the state treasurer on or State tax. before the second Monday of January, eighteen hundred and fifty, and on or before the second Monday in each year thereafter during its corporate existence, one per cent. on its capital stock, which shall be in lieu of all other taxes, provided that the value of real estate, as assessed by the proper township officers or estimated by the state treasurer which may be owned in fee by said company shall be deducted from said capital stock, for the purpose of taxation, and all real estate owned by said company shall be taxed as other property in the several townships, cities and villages, where the same may be situated.

Sec. 12. No more than seven per cent. per annum, in advance, shall be taken for any loan or discount, under any pretence whatever, by Rate of discount. said company, nor shall said company pay out or put in circulation any bills or notes of other banks which are not at the time of such paying out at par in the city of Detroit, and shall not at any time after the passage of this act, issue or put in circulation any note, draft, Restriction on issue of notes of other banks. bill of exchange, acceptance, certificates of deposit or other evidence of debt of its own emission, which from its character or appearance shall be calculated or intended to circulate as money, other than such notes or bills of circulation as are countersigned and registered as by this act provided, and which said bank are expressly authorized to issue for the purpose of being circulated as money. Fraudulent assignments &c. All transfers of the notes, bonds, bills of exchange or other evidence of debt owing to said company, or of deposits to its credit; all deeds of conveyance of real estate, all assignments of mort-

gages or other securities on real estate or of judgments or decrees in its favor; all sales, assignments, or other disposition of personal property or of any chose in action belonging to said company; all deposits of money, bullion, or other valuable thing, for its use or for the use of its stockholders or creditors; all payments of money made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, shall be utterly null and void.

Publication
of annual
statement.

Sec. 13. It shall be the duty of the state treasurer to cause to be published a statement of the affairs and condition of said company at least once in each year, as ascertained when he may visit and examine the same, and the expenses of such visitation, publication, selling of stocks, redeeming of the bills or notes as provided in this act and of the registering and countersigning the bills as hereinbefore provided, shall be determined by the state treasurer and paid by said company.

When sto'ks
shall be de-
posited.

Sec. 14. To entitle the stockholders to the benefits of this act there shall be deposited with the state treasurer fifty thousand dollars in said state stocks, or in United States stocks, on or before the first day of October next, and the said company shall not use or pay out or encumber the amount of capital means or assets now existing, in the purchase of any stocks which they may deposit with the state treasurer, and the amount of stocks so deposited shall not at any time after the first day of October, eighteen hundred and fifty, be less than one hundred thousand dollars.

Repeal of
former acts.

Sec. 15. The act entitled "an act to incorporate the stockholders of the Michigan insurance company of Detroit," approved March seventh, eighteen hundred and thirty-four, and the several acts amendatory thereto, are hereby repealed: *Provided*, That said repeal shall in no wise release or discharge the present stockholders of said company from the liability to redeem all bills, notes, and evidences of debt against said corporation, existing at the time the stockholders avail themselves of the provisions of this act.

Assent of
company to
be filed.

Sec. 16. This act shall take effect within thirty days from and after its passage: *Provided*, The said company, under its corporate seal and the hand of its president and secretary, shall within that

time file its assent in writing to the provisions of this act, in the office of the secretary of state.

Sec. 17. The legislature may at any time, alter, amend or repeal this act.

Approved March 28, 1849.

[No. 137.]

AN ACT to authorize proceedings against Garnishees and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in any action commenced before a justice of the peace, founded upon contract, express or implied, or upon judgment or decree, or after the rendition of judgment in any case. if the plaintiff, his agent or attorney shall make and file with such justice an affidavit, stating that he has good reason to believe, and does believe that any person (naming him) has property, money or effects in his hands or under his control, belonging to the defendant in such suit, judgment or decree, or that such person is indebted to such defendant, the justice shall issue a summons against such person requiring him to appear before such justice at a time and place mentioned in said summons, not less than six nor more than twelve days from the date thereof, and answer under oath, all questions put to him touching his indebtedness to such defendant, and the property, money and effects of the defendant in his possession, within his knowledgo, or under his control; which summons shall be served and returned in the same manner as a summons issued against a defendant in other cases. The garnishee shall be entitled to the same fees as he would be, if he were subpoenaed as a witness in such cause.

In what cases garnishee process may issue.

Service of such process and fees of garnishee

Sec. 2. The person summoned as garnishee, from the time of the service of such summons, shall be deemed liable to the plaintiff in such suit, to the amount of the property, money and effects in his hands or possession, or under his control, or due from him, to the defendant in such suit: *Provided*, That when the defendant is a householder having a family, nothing herein contained shall be applicable to any indebtedness of such garnishee to the defendant for the personal labor of such defendant, or his family, for any amount not exceeding the sum of twenty-five dollars.

Liability of garnishee

When war-
rant may is-
sue against
garnishee.

Sec. 3. If such garnishee neglect or refuse to appear at the time and place mentioned in such summons, and answer as aforesaid, the justice shall continue the cause to some other day; and without further showing than the officer's return, that the summons had been personally served upon the garnishee and his fees paid or tendered, issue a warrant to bring such garnishee before him.

Form of
warrant and
service
thereof.

Sec. 4. Such warrant shall command the officer forthwith to take the body of such garnishee and bring him before such justice, and shall contain a further command that such officer after he shall have arrested the garnishee, notify the plaintiff of such arrest; and such warrant shall be served and returned in the same manner as warrants issued in other cases.

Service of
summons,
the com-
mencement
of suit.

Sec. 5. The personal service of a summons upon such garnishee shall be deemed the commencement of suit in the name of the plaintiff against such garnishee, which may be entered on the docket as suits in other cases.

Proceedings
on examina-
tion.

Sec. 6. On the appearance of such garnishee before such justice, or on some other day to which the same may be adjourned, the plaintiff may proceed to examine the garnishee on oath or otherwise, as the plaintiff may elect, touching the matters alleged in the affidavit, and the justice shall take minutes of such examination and file the same with the other papers in the cause.

Continu-
ance of pro-
ceedings.

Sec. 7. Upon closing the examination, if a suit be pending and undetermined between the plaintiff and defendant, the cause shall be continued but it shall not be necessary to adjourn the same to any day certain.

Summons in
such cases,
to show
cause, &c.

Sec. 8. After the final determination of the suit against the defendant in the case mentioned in the preceding section, the justice shall at the request of the plaintiff, his agent or attorney, issue a summons against the garnishee commanding him to appear before the justice, to show cause why a judgment should not be rendered against him.

How serv'd.

Sec. 9 Such summons shall be made returnable not less than three nor more than ten days from the date thereof, and shall be served at least two days before the time of appearance mentioned therein.

Declaration
vs. garni-
shee.

Sec. 10. In all cases where a judgment has been rendered against the defendant, and also after a final determination of the suit pending against the defendant, as mentioned in section seven of

this act, and the garnishee has been duly summoned to appear and show cause, the plaintiff may declare against the garnishee for the property, moneys and effects above mentioned, in trover; or if the garnishee be indebted to the defendant for moneys had and received, or if the garnishee shall have property, moneys and effects of the defendant in his possession. and shall also be indebted to the defendant, the plaintiff may declare in trover, and add thereto a count for moneys had and received, and may give the special matter in evidence; and the garnishee may plead thereto, and issue may be formed and tried as if the defendant had brought such suit against the garnishee for the matters set forth in such declaration and either party shall be entitled to an appeal or other process as in other cases.

Sec. 11. If the plaintiff fail to recover judgment against the defendant in the cases mentioned in section seven of this act, or if the defendant pay the judgment rendered in such case, or stay the execution thereon within the time, and in the manner prescribed by law, it shall in either case be deemed a discontinuance of all proceedings against the garnishee.

What deemed discontinuance vs. garnishee.

Sec. 12. If judgment be rendered against the garnishee, the justice may issue execution thereon as in other cases.

Execution vs. garnishee.

Sec. 13. Judgments against garnishees may be stayed in the same manner and with the like effect as in other cases.

Judgments may be stayed.

Sec. 14. If the garnishee shall, on demand, deliver to the officer having such execution, all the property, money and effects in his possession or under his control, belonging to the defendant, and pay all moneys found to be due from him to the defendant at the time the suit was commenced against him, or so much of the money, property or effects as may be necessary to satisfy such execution, then the costs which may have accrued against such garnishee shall be paid out of the property, moneys and effects so paid over or delivered to such officer.

When costs against garnishee may be paid out of the effects and in his hands.

Sec. 15. The officer having such execution shall endorse all moneys received from such garnishee, and a description of all property or effects delivered to him by the garnishee; and such delivery or payment shall be deemed a delivery or payment to the defendant in such suit.

Duties of officer as to endorsement of execution

Sec. 16. Upon the return of such execution so endorsed, the same shall be entered on the docket of the justice as fully as such

Return of execution

return appears upon such execution, and such entry or a transcript thereof shall be prima facie evidence of the facts therein stated.

Levy and sale of property delivered up by garnishee on execution, proceedings thereafter.

Sec. 17. Whenever the garnishee shall pay or deliver to the officer having such execution any property which may be sold on an execution by existing laws, the officer shall proceed to levy upon and sell the same at public auction or vendue as in other cases, and if the garnishee shall deliver to such officer any notes, bills, bonds or other choses in action, the officer shall return the same to the justice to be retained in his hands for the use of the plaintiff, and the plaintiff may sue and collect the same, or so much thereof as may be necessary to pay the judgment against the defendant and the costs. The balance, if any, shall be returned to the garnishee or the defendant. All bills, bonds, notes, accounts and other choses in action received or delivered under the provisions of this section, shall be taken subject to all liens, set-offs, rights, liabilities and equities existing between the original parties thereto.

Bank notes to be treated as cash at option of plaintiff.

Sec. 18. If the garnishee pay to the officer having such execution, any bank note or bill, the same shall be paid over to the plaintiff at the par value thereof, if he will accept the same; if not it shall be sold in the same manner as other personal property.

Effect of judgment vs garnishee.

Sec. 19. Judgments rendered against a garnishee under the provisions of this act, shall have the same force and effect as they would have under existing laws, if such defendant had been named as plaintiff therein.

Defendant in original suit barred from action against garnishee during pendency of garnishee proceedings.

Sec. 20. No suit shall be maintained or recovery had by such defendant against the garnishee for the amount of money sworn, proved or admitted to be due from such garnishee to the defendant, or for the property, or the value thereof, money or effects in the hands of such garnishee as aforesaid, while such proceeding is pending.

Exception to a bar.

Sec. 21. The preceding section shall not be so construed as to prevent such defendant from prosecuting for and recovering of such garnishee any other or further sum of money due from such garnishee, or the possession, or value of any other property or effects in the hands of such garnishee, belonging to such defendant.

Bills of exchange and notes declared effects.

Sec. 22. Bills of exchange and promissory notes not due, in the hands of the garnishee at the time of the service of the summons shall be deemed "effects" under the provisions of this act.

Sec. 23. If it shall appear upon any examination or trial had under the provisions of this act that any sum or sums of money is or are owing and payable from the garnishee to the defendant at some future time or times, it shall be the duty of such court, after such examination or the rendition of the verdict (if a trial by jury is had) and after the trial, (if the cause is tried by the court,) to note the time or times when the sum or sums of money mentioned in this section shall become due and payable, and shall thereupon continue the cause until after the time or times so noted.

Proceeding when money is to become due from garnishee at a future time.

Sec. 24. After the said sum or sums of money become due and payable as mentioned in the preceding section, the justice or court shall, at the request of the plaintiff, issue a summons against the garnishee as mentioned in section eight of this act, returnable in the same time, and the same proceedings shall be had thereon, and with the like effect as if the said sum or sums of money had been due and payable at the time of the service of the summons.

Summons in such cases.

Sec. 25. Proceedings may be had in the county courts against garnishees in the cases specified in the first section of this act, and the provisions herein contained shall apply to and govern the proceedings in the county courts so far as they are not inconsistent with the pleadings, practice and proceedings in said county courts.

Proceedings in Co courts

Sec. 26. Corporations may be proceeded against as garnishees in the same manner and with the like effect as individuals, under the provisions of this act, and the rules of law regulating proceedings against corporations.

Corporation subject to garnishee process.

Sec. 27. Section thirty-six of chapter ninety-three of the revised statutes of eighteen hundred and forty-six is hereby repealed.

Sec 36, chap 93, R S repealed.

Approved, March 28, 1849.

[No. 138.]

AN ACT to establish a State Normal School.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That a state normal school be established, the exclusive purposes of which shall be the instruction of persons both male and female in the art of teaching, and in all the various branches that pertain to a good common school education; also, to give instructions in the mechanic arts, and in the arts of husbandry and agricultural chemistry, in the fundamen-

Normal School.

tal laws of the United States, and in what regards the rights and duties of citizens:

Board of education.

Sec. 2. The said normal school shall be under the direction of a board of education, and shall be governed and supported as hereinafter provided.

Appointment of the board.

Sec. 3. There shall be appointed by the governor, by and with the advice and consent of the senate, a board of education consisting of three persons, one of whom shall hold his office for three years, another for two years and the other for one year. The governor shall designate which person is to hold his office for one year, which for two years, and which for three years. At each session of the legislature the vacancy occurring shall be filled as above directed. The governor shall fill any vacancy that may occur when the legislature is not in session. The lieutenant governor and the superintendent of public instruction shall, by virtue of their office, be members of said board, and the latter shall be their secretary, and shall keep an exact and detailed account of their doings. He shall also communicate such reports to the legislature as are required by this act.

President of the board, his duty in establishing the school.

Sec. 4. The board of education shall annually elect one of their number president, who shall be empowered to visit the various villages and places of importance in the state, and obtain donations and receive propositions for the establishment of said normal school.

Instructors to be appointed by the board;—power of board.

Sec. 5. Said board of education shall appoint a principal and an assistant to take charge of said school. They shall also appoint such other teachers as may be required in said school, and fix the salary of each, and prescribe their several duties. They shall prescribe the various text books to be used in said institution, and shall make all the regulations and by-laws necessary for the good government and management of said school.

Ibid.

Sec. 6. Said board of education shall procure a site, and erect buildings thereon suitable for said institution in or near some village in this state, where it can most conveniently be done, and where, in their judgment, it will most subserve the best interests of the state.

Model school.

Sec. 7. They shall also establish a model school in connection with a normal school, and shall make all the regulations necessary to govern and support the same.

Sec. 8 As soon as said institution is prepared to receive pupils, the superintendent of public instruction shall give notice of the fact to each county clerk in the state, and shall publish said notice in the state paper.

Notice of opening of the school.

Sec. 9. The normal school board shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination under the direction of the board, and if it shall appear that the applicant is not a person of good moral character, or will not make an apt and good teacher, such applicant shall be rejected.

Rules relative to the admission of pupils.

Sec. 10. Any person may be admitted a pupil of said school who shall pass a satisfactory examination: *Provided*, That the applicant shall, before admission, sign a declaration of intention to follow the business of teaching primary schools in this state; *And provided further*, That pupils may be admitted without signing such declaration of intention, on such terms as the normal school board may prescribe; and that each county shall be entitled to send pupils in the ratio of the representatives to which it may be entitled, not to exceed three times the number of representatives.

Applicants for admission to sign declaration of intention to become teachers.

Sec. 11. When the said school shall have commenced a term, it shall be visited by one of the appointed members of the board of education. Visits to said school shall be monthly; each appointed member making a visit once in three months. When a member makes a visit as aforesaid, he shall examine thoroughly into the affairs of the school, and report to the governor and superintendent of public instruction, his views with regard to its success and usefulness, and any other matters he may judge expedient.

Visitation of school by board.

Sec. 12 The said board of education shall annually make to the legislature, a full and detailed report of their doings, and of all their expenditures, both in cash and land warrants, and the moneys received for tuition, and their opinion with regard to the prospects, progress and usefulness of said school.

Annual report of board.

Sec. 13. Those pupils who are admitted to the said school as provided by the ninth section of this act, shall not be charged for tuition or for the use of any apparatus, or for attendance on any lectures for one year. Lectures on chemistry, comparative anatomy, astronomy, the mechanic arts, agricultural chemistry, and on any other science, or any branch of literature that the board of education may direct, shall be delivered to those attending said school by

Certain pupils not chargeable with tuition fees.

Lectures. the professors of the university: *Provided*, The regents shall give their consent thereto.

Final examination of pupils and certificate of course of study. Sec. 14. As soon as any person has attended said institution twenty-two weeks, said person may be examined in the studies required by the board, and if it shall appear that said person has received the proper training, and possesses the learning and other qualifications necessary to teach a good common school, said person shall receive the proper certificate from the principal, and board of education, certified by the superintendent of public instruction.

Appropriation of land for support of school. Sec. 15. For the purpose of defraying the expenses of the erection and completion of the buildings proposed by the sixth section of this act, and for the purchase of the necessary apparatus and books for the said institution, and for various other incidental expenses of said school, there is hereby appropriated ten sections of the salt spring lands. The auditor general shall, on the presentation of the certificate of the president of the board of education, countersigned by the governor, draw his warrant on the commissioner of the state land office, not bearing interest, and payable only in salt spring lands, to the holder of such certificate, for the amount therein specified, said lands to be those located as the normal school building lands.

Endowment fund. Sec. 16. For the purpose of paying the principal of said normal school and his assistants, the board of education, immediately after their appointment, shall locate fifteen sections of the salt spring lands, and the same shall be denominated "the normal school endowment fund," and shall never be appropriated for any other purpose. They shall also locate the ten sections required by section fifteen, and the same shall be denominated the normal school building fund. The said board of education shall give due notice to the commissioner of the state land office, that they have located the lands required by this act, and shall file in his office a proper description of said lands.

Building fund. Sec. 17. The normal school endowment fund shall be under the control of the board of education, and shall be disposed of according to the provisions of this act. The state treasurer shall be treasurer of said board: and all orders or drafts for monies or other funds shall be signed by the president of said board, and be countersigned by the governor.

Power of board. Sec. 18. The principal and other teachers employed, shall be paid for their services out of the normal school endowment fund,

and from monies received for tuition. The board of education shall be paid for their services, two dollars per day, with warrants drawn on the salt spring lands.

Sec. 19. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 139.]

AN ACT to amend an act entitled an act to extend the time for the collection of taxes in the township of Bellevue in the county of Eaton, approved January 16, 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That section two of an act entitled an act to extend the time for the collection of taxes in the township of Bellevue in the county of Eaton, approved January 16, 1849, be and the same is hereby amended by striking out the words "fifteenth day of March," and inserting the words "sixth day of April." Act amend-
ed.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 140.]

AN ACT to authorize the re-location of the Northern Wagon Road between the villages of Flint and Corunna.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Lewis S. Tyler, Albert Miller and Henry Hunt, be and they are hereby appointed surveyors Surveyors
to re-locate
northern
wagon road. for the purpose of surveying the route or routes, and with power to re-locate, upon the most eligible ground, the northern wagon road from the village of Flint, in the county of Genesee, to the village of Corunna, in the county of Shiawassee. And the said surveyors shall be required to cause the survey of so much of such road as lies within the county of Genesee, to be recorded by the register of deeds of said county in the miscellaneous record; and so much of said road as lies within the county of Shiawassee to be recorded by the register of deeds of said county in like manner, and when so

recorded, the said road shall be known as the northern wagon road.

Compensation of surveyors.

Sec. 2. That said surveyors shall receive for their services a sum not exceeding two dollars per day for the time actually and necessarily employed in the discharge of the duties devolved upon them by the provisions of this act, payable in internal improvement lands belonging to this state, appropriated by act number two hundred and eighty-five of the session laws of eighteen hundred and forty-eight, at ten shillings per acre, and shall render their accounts for services to the special commissioner having charge of said road, verified by their oaths; and the said special commissioner shall draw his order upon the auditor general in favor of said surveyors, for the proper amount, upon which the auditor general shall issue a land warrant for the same, which shall be receivable at the state land office in payment of lands appropriated by act number two hundred and eighty-five of the session laws of eighteen hundred and forty-eight only; and the said special commissioner having charge of the appropriation, number two hundred and eighty-five, approved April third, eighteen hundred and forty-eight, is hereby authorized to expend five hundred acres of land from and out of the appropriation so made in said act, in the opening and improving the state road between the villages of Flint and Lansing, and on that portion of the road lying between the village of Shiawassee and the Miller settlement, and the said special commissioner is hereby authorized to make a selection of the lands appropriated by said act number two hundred and eighty-five and report the same to the commissioner of the state land office, who shall thereupon reserve the same from sale, issuing no certificate for any parcel thereof, except upon the order of said special commissioner. And the said special commissioner is hereby authorized to receive contributions from individuals and subscriptions promising to contribute when called upon for the purpose of said improvement, which said subscriptions the said commissioner is hereby authorized to collect and appropriate in making the improvements contemplated by act number two hundred and eighty-five, approved April third, eighteen hundred and forty-eight, and in case any person shall refuse or neglect to pay his subscription on the order of said special commissioner, said commissioner is hereby authorized to sue for and collect the same in any court having cognizance thereof.

Duties of special commissioner, under act No. 285 of 1848.

Sec. 3. Upon the completion of any job let in pursuance of this act, or of act number two hundred and eighty-five of the laws of eighteen hundred and forty-eight, in payment of the amount stipulated in the contract therefor, and also in payment for any labor performed or materials purchased by said commissioner for the purposes contemplated in said act, said commissioner may draw his orders upon the auditor general for warrants payable in internal improvement lands, reserved in pursuance of this act, which said warrants shall be received in the state land office in payment for any such lands not before sold: *Provided*, That the aggregate orders so drawn by said commissioner shall not exceed the amount of land appropriated by act number two hundred and eighty-five of the laws of eighteen hundred and forty-eight, at one dollar and twenty-five cents per acre. ^{Payment of contractor.}

Sec. 4. Sections three and four of act number two hundred and eighty-five of the laws of eighteen hundred and forty-eight, are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 141.]

AN ACT to incorporate the Saginaw Bay Gypsum Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William L. P. Little, James Fraiser, William McDonald and Russel Bishop, and others who shall become associated with them, are hereby constituted a body corporate, by the name of "the Saginaw bay gypsum company," for the purpose of making plaster, and business connected therewith, in the state of Michigan. ^{Incorporation.}

Sec. 2. The said company shall have corporate succession, and its capital stock shall not exceed ten thousand dollars, divided into shares of twenty-five dollars each, and said company may acquire and hold such real and personal estate in the state of Michigan, as the business of said company may require, to an amount not exceeding the above named capital stock of said company. ^{Capital and shares thereof.}

Officers.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof, a secretary and treasurer, who may however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe: *Provided*, That a majority of the said directors shall at all times be citizens and residents of the state of Michigan, upon whom service of all process against said company may be made, and such service shall be deemed a valid service on the said Saginaw bay gypsum company.

State tax & annual report of Co.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan, an annual tax at the rate of one per cent, on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company; which tax shall be paid on the first Monday of July in each year, and shall be estimated upon the last preceding report of said company, and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days thereafter, make, under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company; and said tax shall be in lieu of all state taxes upon all the personal property of said company, and in lieu of all state tax upon the real estate of said company; and any investment of any portion of the net profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the state treasurer accordingly.

1st meeting.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting, and all subsequent meetings of the stockholders and directors shall be held at such times and places as they by their by-laws may direct.

General provisions.

Sec. 6. Said company shall be subject to the provisions of chap-

ter fifty-five, title ten, of the revised statutes of eighteen hundred and forty-six, so far as the same are applicable, and not inconsistent with the provisions of this act.

Sec. 7. The inhabitants of this state shall have a lien upon the stock, appurtenances, and entire stock of said company for all claims and demands not exceeding one hundred dollars each, against said company, originally contracted or increased within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Lien of inhabitants, how enforced, &c.

Sec. 8. The said company shall within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the secretary of state, a certificate specifying the place of such location.

Business office.

Sec. 9. This act shall take effect from and after its passage, and shall continue for thirty years from such passage; but the legislature of the state may at any time alter, amend or repeal this act for any violation of the provisions of this charter: *Provided*, That nothing herein contained be construed to authorize said company to use or exercise any banking power, or banking privileges whatever.

Duration of charter—its amendment, repeal, &c.

Approved March 28, 1849.

[No. 142.]

AN ACT to incorporate the Trustees of Mountain Home Cemetery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Isaac Moffat, jr., Luther H. Trask, Jeremiah P. Woodbury, Alexander Buel, Horace Starkweather, Nathaniel A. Balch, Epaphro Ransom, David B. Webster and Mitchel Hinsdell, and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of the "Trustees of Mountain Home Cemetery," and by that name to have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all suits, complaints, matters and causes whatsoever in any court of law or equity, in this state; and to have a common seal, and to make all such by-laws, rules and

Incorporation.

they may deem necessary relative to said cemetery, and the good government and management thereof.

Officers.

Sec. 2. The said trustees shall elect one of their own number as president, another as secretary, and another as treasurer; that in case of the death, resignation, or removal of any of the trustees from the county of Kalamazoo, the other members shall elect a suitable person to supply every such vacancy; and vacancies happening in any of said offices, from any of said causes, shall be filled in the same manner; that said trustees may from time to time appoint a superintendent and such other officers or agents as they may deem necessary.

Powers and
duties of
corporation

Sec. 3. The said corporation may purchase and hold such real estate as may be deemed expedient for the purposes of laying out and establishing a rural cemetery, to be reserved as a place of interment, in the vicinity of the village of Kalamazoo, and to make additions to said real estate from time to time as may become necessary, either by purchase, gift, grant or otherwise; but all such estate, whether by original or subsequent purchase, shall be reserved for no other purpose than for a cemetery, and such fixtures as shall be necessary to belong to it. And such real estate then purchased shall never be sold or converted to any other use forever hereafter, than the one expressed in this section; that the plat of said cemetery, to be adopted by the said trustees, or avenues, roads, walks or ground laid off and reserved for shrubbery or other ornamental purposes, shall never be subject to be changed or altered. And all monies to be realized from the sale of lots after paying the original purchase price of said land, shall be appropriated at the discretion of the corporation to the improvement of said cemetery; or a portion of said avails to be set apart as a permanent fund. And the interest of which to be hereafter and forever annually expended in keeping the said cemetery in repair and good order.

And.

Sec. 4. The said corporation shall cause a plat of said ground embracing all roads, alleys, lots, &c., to be put on record or on file in the office of the register of deeds for the county of Kalamazoo, and that the title to lots in said cemetery may be passed to individuals by a certificate to be signed by the president and countersigned by the secretary, under the corporate seal, but always sub-

ject to the by-laws, rules and regulations which may be adopted by the trustees. And said certificates shall be recorded by the secretary of the corporation in a book to be kept for that purpose.

Sec. 5. All lands now held or which may hereafter be acquired by said corporation for the purposes aforesaid, shall be forever exempted from all public taxes and assessments, and from all liability to be sold on execution or for the payment of debts by assignment under any insolvent law. The said corporation may hold in trust any donation or bequest of property, and may apply the same or the income thereof in the improvement or embellishment of the cemetery, or for the erection, repair, preservation or removal of any receiving tomb, monument, or fence, or for the planting or cultivation of trees, shrubs, flowers, plants, in and around any cemetery lot, or for the improvement of said premises in any other form or manner conformable to the terms of said grant or bequest.

Sec. 6. If any person shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure or thing placed or designed for a memorial of the dead, or any fence, railing, curb or other thing intended for the protection or for the ornament of any receiving tomb, monument, gravestone, or other structure before mentioned, or of any enclosure for the burial of the dead; or shall wilfully destroy, mutilate, remove, cut, break or injure any tree, shrub or plant, placed or being within or around any such enclosure; the person so offending shall be punished by fine not exceeding five hundred dollars, nor less than ten dollars, or by imprisonment in the county jail not more than one year.

Sec. 7. This act shall take effect and be in force from and after its passage, and shall be subject to the provisions of chapter fifty-five of the revised statutes, as far as it is in accordance with the provisions of this act.

Approved March 28, 1849.

[No. 143.]

AN ACT to amend an act entitled "an act to incorporate the Detroit and Saline Plank Road Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of an act entitled "an act to incorporate the Detroit and Saline plank road com-

pany," approved March twenty-third, eighteen hundred and forty-eight, be amended by adding to section two of said act the following: "As soon as said company shall be duly organized the board of directors thereof are hereby authorized to enter upon, take possession of so much of the Chicago turnpike, so called, as lies between the city of Detroit and the village of Saline, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual track thereon; *Provided further*, That nothing herein contained shall be construed as conveying any other or further right in said Chicago turnpike, than the state as such possesses," so that said section as amended shall read as follows:

"Sec. 2 Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings from the city of Detroit, in the county of Wayne, to the village of Saline, in the county of Washtenaw, by the way of Ypsilanti, with the privilege of constructing a branch from the village of Wayne, to the village of Schwarzburg, in the county of Wayne and also from the village of Ypsilanti to Ann Arbor, in the county of Washtenaw. As soon as said company shall be duly organized the board of directors thereof are hereby authorized to enter upon, take possession of so much of the Chicago turnpike, so called, as lies between the city of Detroit and the village of Saline, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual track thereon: *Provided further*, That nothing herein contained shall be construed as conveying any other or further right in said Chicago turnpike, than the state as such possesses."

Sec. 2. The said company shall cease to be a body corporate. If within three years from and after the passage of this act, it shall not have commenced the construction of the road, and actually expended thereon at least ten per cent. of the capital stock of said company.

Approved March 28, 1849.

[No. 144.]

AN ACT to authorize the minor heirs of the late Jesse Tuttle, deceased, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the minor heirs of the late Jesse Tuttle, deceased, of the village of Walled Lake, county of Oakland, and state of Michigan, to wit: Ann Tuttle, George Tuttle, Jane Tuttle and Joseph Tuttle, be and they are hereby authorized to execute good and sufficient deed or deeds of conveyance, to any person or persons, of all, or any part of the lands by them owned, situated in said village of Walled Lake. And any such deed or deeds hereby authorized to be executed by said heirs, when properly made, acknowledged and recorded, shall be as effectual, valid and binding as if the said minor heirs were, at the time of the execution thereof, of full legal age: *Provided,* That no such conveyance shall be of any effect unless the judge of probate of said county of Oakland, shall, under his hand and seal of office, certify on such deed his approval of the sale and conveyance of such land.

Minors authorized to conv'y, with approval of probate judge.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 145.]

AN ACT to vacate a portion of the map or plat of the town of Lyons, in the county of Ionia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of east Water street as lies north of the north line of south Bridge street, and west of the west line of Prairie street, and so much of a certain street as lies west and north of block seventy-five according to the recorded map or plat of the town of Lyons, in the county of Ionia, be and the same is hereby vacated: *Provided,* The consent in writing of the owners of the lands adjoining the said streets be first had and obtained and recorded in the office of the register of deeds of said county.

Part of the plat of Lyons vacated by consent of certain proprietors.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

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[No. 147.]

AN ACT to authorize the plats of the villages of Orion and New Canandaigua City, in the township of Orion, in the county of Oakland, to be recorded.

Whereas, The original proprietors of said villages neglected to acknowledge and record the plats thereof as by law required, and

Whereas, Said plats were filed and now remain in the office of the register of deeds of said county; therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the register of deeds of the county of Oakland be and he is hereby authorized and required as soon as may be, to record in his office the plats of the villages of Orion and New Canandaigua City, in the township of Orion, in said county of Oakland. Register of Oakland to record plats.

Sec. 2. Said register shall not be compelled to record said plats until paid or tendered a reasonable compensation by the proprietors or other persons interested therein, and in case the register and proprietors or other persons cannot agree upon the price to be paid for such recording, the county treasurer and the chairman of the board of supervisors of said county shall determine the same, whose decision shall be conclusive. How paid therefor.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 148.]

AN ACT to authorize the Highway Commissioners of the townships of Eaton and Benton, in Eaton county, to alter a certain State Road in said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the highway commissioners of the townships of Eaton and Benton, in the county of Eaton, be and they are hereby authorized and empowered to discontinue and relay any portion of the Clinton road which passes through their respective townships. Duties of certain highway commissioners.

Sec. 2. The said commissioners are hereby required to cause the survey or alteration of said Clinton road to be filed with the 1844.

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of actions, and may have a common seal and may make and alter the same at pleasure.

Sec. 3. The capital stock of the said company shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars each, which amount of capital the directors of the said company may increase or diminish by complying with the provisions of the twelfth section of this act: *Provided*, Such capital stock shall not at any time exceed two hundred thousand dollars.

Capital and shares thereof.

Sec. 4. The said company may commence and carry on its business so soon as the capital stock shall have been subscribed and a sufficient amount thereof paid in; and may purchase and hold such real estate as may be necessary to carry on its business; and may use the mechanical apparatus, machinery and moving power owned by it for mining purposes in any other useful employment. And may subscribe for and purchase and hold stock in any such of the incorporated railroad and plank road companies in this state as may be used by it for the transportation of its coal and its other materials.

Powers of company.

Sec. 5. Books of subscription to the capital stock of this corporation shall be opened under the direction of the directors hereinbefore named, and be subject to such rules and regulations as they shall prescribe, first giving notice thereof by publishing the same in one of the daily newspapers of the city of Detroit, and in the state paper, for two consecutive weeks, and the stock of the said company shall be considered personal property and shall be assignable only on the books of the company.

Subscription to stock

Sec. 6. The stock, property and affairs of this corporation shall be managed by five directors, who shall be stockholders to an amount not less than twenty-five shares each, and the directors may be chosen annually by a plurality of votes, on the first Monday of October; and the first election of directors shall be on the first Monday of October in the year eighteen hundred and fifty, until which time the five persons hereinbefore named shall be the directors of the said company, who, or any two of them, shall act as inspectors at the first election. At all subsequent elections, the inspectors shall be designated by the board of directors. A notice of every election shall be published in one of the daily newspapers of the city of Detroit, and in the state paper, for two successive weeks im-

Directors—how chosen, term of office, &c.

entitled at such election to one vote on each share of stock in the company held by him or her at least ten days previous thereto, either in person or by proxy.

Officers.

Sec. 7. The directors shall elect one of their number to be president of the said company, and also the subordinate officers thereof, who shall each give such security as the company may, by its by-laws, require for the faithful discharge of their duties in office; and the directors may make and ordain such by-laws as they may deem necessary for the due regulation of the business of the company and for accomplishing the purposes for which this charter is granted, provided the same are not inconsistent with the laws of this state.

Assess'm'ts
on shares.

Sec. 8. It shall be lawful for the directors to call in and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such payments or instalments as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made within thirty days after a personal demand or publication of notice requiring such payment shall have been made in one of the daily newspapers of the city of Detroit, for three successive weeks.

Liability of
stockholders

Sec. 9. All the stockholders of this company shall be jointly and severally liable for all debts and contracts of this company.

Trespasses
on company

Sec. 10. Any person or persons wilfully injuring or causing to be injured any property of this company, shall forfeit and pay to the said company the amount of the damage sustained by any such injury, to be recovered with costs in any court having cognizance thereof.

Lien of in-
habitants of
this state—
how enforced, &c.

Sec. 11. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of the said company, for all claims and demands not exceeding one hundred dollars against the said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such company: *Provided*, That such claim, with specifications, shall be filed with any justice of the peace near to any of the coal mines of said company; and a notice thereof, with the specifications of the claim, be perma-

ifications shall be mailed, on the day of so filing the same by the said justice of the peace, to the president of the said company at the city of Detroit; and to render such claim actionable or valid, these steps shall be taken within six months of the date of the claim.

Sec. 12. Whenever the said company shall desire to increase or diminish the amount of its capital, it shall be the duty of the directors to call a meeting of the shareholders at some convenient place in the city of Detroit, by publishing a notice in one of the daily newspapers of the city of Detroit, and in the state paper for at least six consecutive weeks, and by depositing a printed copy thereof in the post office of the city of Detroit, addressed to each share-holder at his or her usual place of residence, or deliver the same personally, at least six weeks previous to the day appointed for such meeting, and which notice shall specify the time and place when and where the said meeting is to be held, the object of the meeting, and the amount to which it is proposed to increase or diminish the capital of the company. A vote of at least two-thirds of all the shares, in person or by proxy, shall be necessary to increase or diminish its capital, but before any diminution of the capital shall take effect, the said company shall file in the office of secretary of state, a certificate verified by the oaths of a majority of the directors of the company, that the amount of the debts and liabilities of the company do not exceed the amount of the capital to which it is so proposed to be reduced.

Increase or
diminution
of capital.

Sec. 13. This act shall take effect, and be, and remain in force for the term of thirty years from and after its passage; the legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each branch thereof, for any violation of this charter.

Duration of
charter

Sec. 14. This act shall not authorize said company to engage in banking, brokerage or any other business except such as named in said act.

Restrictions
as to bank-
ing, &c.

Approved March 28, 1849.

Highway
records
transfer

Duty of
clerk in
describing

Duty of
clerk in
highway
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Communi-
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Determi-
nation of
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decided.

vised statutes of eighteen hundred and forty-six.

Sec. 6. The corrected copy of the survey bill of any township road filed and recorded in pursuance of the provisions of the last preceding section, shall be denominated the corrected record of highways of said township, and as such, shall be deemed of the same force and effect that they would have had in law had they been made perfect at the time the surveys were taken. Corrected record.

Sec. 7. This act shall be in force from and after its passage.

Approved March 28, 1849.

[No. 152.]

AN ACT to authorize Asquire W. Aldrich to build a dam across the Clinton river, in the county of Macomb.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Asquire W. Aldrich, his heirs and assigns, be, and they are hereby authorized and empowered to build a dam across the Clinton river, in the county of Macomb, upon section ten, in the township of Sterling in said county, upon which the saw-mill of said Aldrich is now erected. Dam authorized.

Sec. 2. Said dam shall not exceed seven feet in height above low water mark, and shall have a convenient sluice or apron, of sufficient width and dimensions, to admit the safe passage of rafts down said river, which said sluice or apron shall be kept in good repair by the persons or individuals using said dam. Height and description of the same.

Sec. 3. Nothing in this act shall authorize the person or persons above named, or his heirs or assigns, to enter upon or flow the lands of any other person or persons: *Provided further*, That the occupant of said dam shall so construct, therein or thereat, a convenient lock for the safe passage of boats, rafts, canoes or other water craft, whenever the circuit court of said county shall order, upon good cause shown, and it shall be the duty of the owners of said dam, at all times to keep said lock in repair, and pass any water craft through the said lock free of toll and without unnecessary delay; and any person who shall be so detained shall be entitled to recover of the said owners the damages which he shall prove he has sus- Rights reserved.

tion, with costs of suit.

Sec. 4. If at any time hereafter, the water should be required to be drawn from said river for the purposes of internal improvement or navigation, it shall not be lawful for said Aldrich, or any person or persons owning said dam to claim or recover damages therefor.

Sec. 5. This act shall take effect from and after its passage. The legislature may at any time alter, amend or repeal this act.

Approved March 28, 1849.

[No. 153.]

AN ACT to amend an act entitled "an act appropriating certain Internal Improvement lands for the purpose of improving a state road leading from the village of St. Joseph in Berrien county, to the village of Lagrange in the county of Cass."

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled "an act appropriating certain internal improvement lands for the purpose of improving a state road leading from the village of St. Joseph in Berrien county, to the village of Lagrange in the county of Cass," approved March twenty-eight, eighteen hundred and forty-eight, be, and the same is hereby amended by adding at the end of section one, the following:

"William B. Gilbert, Isaac Williams, and Mitchell Robinson are hereby appointed commissioners with authority to make such alterations in said road, east of section thirty-six in town five south, of range seventeen west, as they may deem for the interest of said counties," and the land appropriated by the act to which this is amendatory shall be laid out and expended upon said road as altered by said commissioners.

Speci'l com-
missioner.

Sec. 2. Mitchell Robinson is hereby appointed a special commissioner under the act to which this is amendatory, with full power to select, lay out, and expend the land appropriated by said act. The selection of said lands shall be made on or before the first day of September next, and the land when so selected, shall be reserved from sale by the commissioner of the land office upon notice to him by said special commissioner.

Sec. 3. All acts or parts contravening the provisions of this act ^{Repeal.} or the act to which this is amendatory shall be null and void.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 154.]

AN ACT for the improvement of the state road leading from the village of Portland, in Ionia county, to the Grand river road in the county of Clinton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all the non-resident highway taxes assessed for the year A. D. 1848 that shall remain unexpended on the first day of May next, and all of the non-resident highway taxes which shall be assessed for the years A. D. 1849 and 1850 and 1851 upon non-resident lands within two miles on each side of the state road leading from the village of Portland, Ionia county, via Isaiah G. Frost and George W. Wilson, in the township of Danby, to the Grand river road in the township of Eagle, Clinton county, be and the same are hereby appropriated for the improvement of said road, to be expended as hereinafter provided. ^{Highway taxes appropriated on certain road}

Sec. 2. That when any non-resident wishes to commute his road tax, hereafter to be assessed, his labor shall be expended on said road, and the special commissioners appointed by this act, each acting within his own county, shall direct when, where and how the labor shall be expended. ^{Commutation.}

Sec. 3. That James Newman of Portland, Ionia county, and William F. Jenison of Eagle, Clinton county, be, and they are hereby appointed special commissioners to disburse the monies to be received for said highway taxes, in their respective counties, who shall have power to let or contract any job of work upon said road, first giving public notice thereof, by posting up notices at the most public places within the several townships through which said road passes, which said notices shall be posted up at least ten days before the time of letting such jobs or contracts, and shall state where the work is to be performed, the time limited for the performance, the time when and the place where the jobs will be let ^{Special commiss'rs; their powers and duties.}

tion, with costs of suit.

Sec. 4. If at any time hereafter, the water should be required to be drawn from said river for the purposes of internal improvement or navigation, it shall not be lawful for said Aldrich, or any person or persons owning said dam to claim or recover damages therefor.

Sec. 5. This act shall take effect from and after its passage. The legislature may at any time alter, amend or repeal this act.

Approved March 28, 1849.

[No. 153.]

AN ACT to amend an act entitled "an act appropriating certain Internal Improvement lands for the purpose of improving a state road leading from the village of St. Joseph in Berrien county, to the village of Lagrange in the county of Cass."

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled "an act appropriating certain internal improvement lands for the purpose of improving a state road leading from the village of St. Joseph in Berrien county, to the village of Lagrange in the county of Cass," approved March twenty-eight, eighteen hundred and forty-eight, be, and the same is hereby amended by adding at the end of section one, the following:

"William B. Gilbert, Isaac Williams, and Mitchell Robinson are hereby appointed commissioners with authority to make such alterations in said road, east of section thirty-six in town five south of range seventeen west, as they may deem for the interest of said counties," and the land appropriated by the act to which this is amendatory shall be laid out and expended upon said road as altered by said commissioners.

Special commissioner.

Sec. 2. Mitchell Robinson is hereby appointed a special commissioner under the act to which this is amendatory, with full power to select, lay out, and expend the land appropriated by said act. The selection of said lands shall be made on or before the first day of September next, and the land when so selected, shall be reserved from sale by the commissioner of the land office upon notice to him by said special commissioner.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 155.]

AN ACT to authorize the commissioners of highways of the township of Pulaski, in the county of Jackson to discontinue and alter a state road in said township.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways of the township of Pulaski in the county of Jackson, are hereby authorized and empowered to alter all that part of the highway known as the state road which passes on the line between sections twenty-three, twenty-six, twenty-nine, nineteen and thirty, in said township, by running it on the north side of section twenty-six and the south side of section nineteen and twenty on the most eligible route.

Alteration
of state road
authorized.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 156.]

AN ACT to provide for the service of writings, processes and notices, in certain cases, upon persons in the employ of certain corporate companies.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever, in any suit or proceeding, either in law or equity, it shall become necessary to serve any process, notice or writing upon any railroad company in this state, it shall be sufficient to serve the same upon any conductor of a freight or passenger train of cars, or upon any weigh-master at any station or depot along the line, or at the end of the railroad of such company; and such service shall be deemed as good and effectual as if made on the officers, stockholders or members, or either of them, of said company.

Service of
process on
railroad Co.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1849.

to the extent necessary and shall give bonds with one or more sufficient sureties to the special commissioners for the faithful performance of his contract.

Sec. 4. It shall be the duty of the special commissioners to make out a correct list of all the non-resident lands designated by the first section of this act, and file the same with the treasurers of their respective counties wherein those lands are located, and it shall be the duty of the county treasurers to withhold from the several townships the monies accruing on such non-resident lands, and pay over the same to the special commissioners respectively.

Sec. 5. It shall be the duty of each special commissioner to render to the board of supervisors of his county, at their annual session, a true account of the application and disbursement of all monies he may have received each year.

Oath & bond
of comm'rs. Sec. 6. Before said special commissioners shall enter upon the duties of their office, they shall take the constitutional oath, and file the same with the clerks of their respective counties, and before they shall draw any monies from the county treasurers, they shall each give a bond to the treasurers of their respective counties, with one or more sufficient sureties, in double the amount of the non-resident highway taxes which may come into their hands respectively under the provisions of this act, conditioned for the faithful performance of their duties under the provisions of this act, and in default thereof it shall be the duty of the said treasurers to prosecute said bond in the same manner as bonds are prosecuted against county officers.

Compensation of commissioners. Sec. 7. Each of said special commissioners shall receive as a compensation one dollar per day when actually engaged in his appropriate duties, which amount shall be audited and allowed by the board of supervisors of his county, and paid out of the fund created by this act, and said board of supervisors may require his account to be certified by affidavit.

Vacancy—how filled, &c. Sec. 8. In case the said commissioners, or either of them shall neglect or refuse to take and file the oath of office required by this act, within four months after the passage thereof, such neglect shall be deemed a vacancy, and all vacancies shall be filled by the board of supervisors, or a majority of them, of the counties of Ionia and Clinton respectively, and any person so appointed shall take and file the oath and bond as aforesaid.

their greatest proportion lying between such parallel lines and the road aforesaid.

Sec. 3. That when any non-resident wishes to commute his road Commuta-
tion. tax, hereafter to be assessed, his labor shall be expended on said road, and the special commissioner by the provisions of this act shall direct when, where and how the labor shall be performed.

Sec. 3. That Eaton Branch, of the said county of Van Buren, be, Spec'l com-
missioner—his
duties, &c. and he is hereby appointed special commissioner to disburse the moneys aforesaid, who shall have power to let or contract any job of work upon said road, first giving public notice thereof, by posting up notices at the most public places within the several townships, through which said road passes; such notices to be posted up at least ten days before the time of letting such contracts, and shall specify where the work is to be performed, the time limited for the performance, the time when and where the jobs will be let to the lowest bidder, who shall give bonds with one or more sufficient sureties, to the special commissioner for the faithful performance of said contract.

Sec. 5. It shall be the duty of the supervisor and assessors of the several townships, through which the said road passes, to make out, List of lands
to be made
by supervi-
sor, &c. at the time of making their assessment, a correct list of all the non-resident lands within the limits mentioned in the first section of this act, and deliver the same to the special commissioner, within thirty days thereafter, and it is made the duty of the special commissioner to file the same with the treasurer of the county, and it shall be the duty of the county treasurer to withhold from the several townships the moneys accruing on such non-resident lands.

Sec. 6. It shall be the duty of the special commissioner to ren- Annual ac-
count of
commis'r. der to the board of supervisors of the county, at their annual session, a true account of the application and disbursement of the money he may have received each year.

Sec. 7. Before said special commissioner shall enter upon the duties of his office, he shall take the oath prescribed by the constitu- Oath & bond
of commis'r tion of this state, and file the same with the county clerk; he shall, before entering upon the discharge of the duties of his office, give a sufficient bond with one or more sureties, in double the amount of the non-resident tax in this act appropriated; such bond shall be

AN ACT for the dissolution of certain school districts in the county of Oakland.

S. D. No. 1,
White Lake
dissolved.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That fractional school district number one in the township of White Lake, and county of Oakland, and fractional school district number three in the township of Commerce, in said county, are hereby dissolved.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1849.

[No. 158.]

AN ACT appropriating certain highway taxes for the improvement of a road leading from Paw Paw, to Breedsville, by the way of Lawrence, in the county of Van Buren.

Appropriation of N. R. highway taxes on certain road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all the non-resident highway taxes which shall be assessed upon non-resident lands within two miles on each side of the main traveled road from the village of Paw Paw to the village of Lawrence, known as section line road, be and the same is hereby appropriated for the improvement of said road, and that all the non-resident highway taxes which shall be assessed upon non-resident lands within two miles on the east side, and one mile on the west side of the main traveled road from the village of Lawrence, a northwesterly course to the south corner of sections thirty-two and thirty-three, in town two south of range fifteen west, thence north on the section line to the village of Breedsville, be and the same is hereby appropriated for the improvement of said road, for the period of three years from the passage of this act, to be expended as hereinafter provided.

What descriptions shall be deemed appropriated.

Sec. 2. That when the lines running parallel to said road as provided in the first section of this act, shall intersect any legal subdivision of land, as usually sold at the United States land office, the non-resident highway taxes of all such sub-divisions, and such only, shall be appropriated for the purpose mentioned in this act as have

[No. 160.]

AN ACT to vacate the village plat of the village of Bloomingrove in the county of Berrien.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the village plat of the village of Bloomingrove, in the county of Berrien, heretofore laid out on the north half of the north east fractional quarter of section No. nine, (9) and the north half of the north west quarter of section ten, (10) in township No. five (5) south of range nineteen (19) west, be, and the same is hereby vacated. Plat of Bloomingrove vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1849.

[No. 161.]

AN ACT to provide for draining certain low lands in the vicinity of Detroit.

Whereas, It is represented and believed by the mayor, aldermen and freemen of the city of Detroit, that great and serious injury to the health of the citizens of said city results from the overflow of water on the low lands in rear of and adjacent to said city, thereby overflowing a large portion of the lots of ground on which buildings are now being erected; and as the drains constructed, although of large dimensions, are by no means capable of carrying off, at once, the floods of water resulting from sudden rains or dissolving of snows, it follows that many cellars are filled with water and the debris thus carried into them, from which the injury to health, must be apparent; therefore, Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the common council of the city of Detroit, shall inquire into and certify whether any and what marsh, swamp, or other low lands are a source of disease and injury to the public health of said city, and whether said public health will be promoted by draining the same; and if they shall so certify, shall file said certificate with the clerk of the mayor's court of said city. Com. council of Detroit to certify nuisance, &c.

Sec. 2. The common council shall thereupon issue a summons directed to the marshal of said city, sheriff, or any constable of the Proceedings thereupon.

holders of such county, who are not interested in the lands through which any ditch contemplated to be cut shall pass, nor in any wise of kin to the parties interested in the land, to be and appear on the premises at a certain time to be specified in such summons, not less than fifteen nor more than twenty days from the date thereof, which summons shall also direct the officer to serve the same, and give six days notice to the owner of such lands, of the time at which the jury is to appear; and which summons shall be executed and return made thereof, in the same manner and with like authority, as upon services issued in cases pending before justices of the peace, and certify that the notice required has been given.

Jury of view
Proceedings on view of premises.
Sec. 3. The mayor, or any alderman or justice of the peace thereto designated and required by the common council, shall attend at the time and place specified in the summons, and if it appear that the notice above prescribed has been given, and if six or more of the nine freeholders as above specified shall then and there appear, he shall administer to each of them an oath or affirmation well and truly to examine and certify in regard to the benefits or damages which will result from the opening of said ditch or ditches.

Ibid.
Sec. 4. The common council shall deliver to the jury a map of the land through which said ditch or ditches are proposed to be opened, on which map the plan, length, width and depth thereof shall be particularly designated, with a space sufficient on each side to receive the deposit of the excavation; and thereupon the jury shall personally examine the premises and hear any reason that may be offered in regard to the questions submitted to them; and if the jury shall be satisfied that the opening of said ditch or ditches is necessary or proper, they shall so certify in writing; and further certify, whether the benefits which will accrue to the owner of the lands for the opening of said ditch or ditches, will or not, be equal to any damages that he will sustain thereby; and if such benefits are certified not equal to the damages, the jury shall assess and certify the damages which in their judgment will be sustained by the owner.

Inquisition.
Sec. 5. Such inquisition shall be signed by all the jurors, and de-

livered to the mayor, alderman, or justice in attendance: and for all services rendered, the same fees shall be paid as are allowed for similar services in cases tried before justice of the peace.

Sec. 6. Upon the delivery of the certificate of the jury to the mayor, alderman or justice in attendance, which certificate, together with the inquisition and map shall be filed with the clerk of the common council, and upon payment of cost of proceedings, and payment or tender of the damages assessed by the jury, if any, it shall be lawful for the common council to enter by their agent, teams and necessary implements, upon said lands, and cut and open such ditch or ditches, designated on said map, as adopted and sanctioned by such jury, not deteriorating materially from the dimensions there laid down.

Entry on
premises au-
thorized, &c

Sec. 7. After said ditch or ditches shall have been opened, it shall be lawful for said common council, their successors or agent, forever thereafter, from time to time, as it shall be necessary, to enter the lands through which the same are opened, and clear and scour such ditch or ditches, so as to preserve the original dimensions thereof.

Right to
maintain
ditches.

Sec. 8. Any person who shall in any way obstruct or injure any ditch or ditches so opened, shall be liable to pay the common council aforesaid double the damages that shall be assessed by the jury for such injury, and in case of a second or other subsequent offence by the same person, treble such damages.

Trespasses
on same.

Sec. 9. If any person, summoned to attend as a juror, in accordance with the provisions contained in section two of this act, shall fail or neglect to attend at the time and place specified, unless satisfactory excuse be given for such non-attendance or neglect, he shall be liable to a fine of five dollars, which may be imposed by the officer who shall officiate at the swearing of the jury, which officer may order such delinquent juror to be imprisoned until such fine is fully paid.

Failure to
attend as ju-
ror, fineable

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 29, 1849.

AN ACT relative to the support of the poor in the county of Berrien.

Supervisors
of Berrien
county may
contract for
support of
poor

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the superintendents of the county poor in the county of Berrien, be, and they are hereby authorized to contract with one or more persons to maintain all, or any part of the poor which their county may be liable to support.

In such case
temporary
relief may
be afforded
by overseers
&c.

Sec. 2. When it shall be determined by the superintendents of the poor in the county of Berrien, to support the poor of their county by contract, so much of chapter thirty-eight of the revised statutes of eighteen hundred and forty-six, as allowed justices of the peace to draw orders for temporary relief of the poor, shall not be in force in said county; and the overseers of the poor in the several townships in said county shall forthwith report to the superintendents of county poor, all such persons needing relief as may come to their notice; and the expenses of giving such notice shall on proper vouchers being presented, be paid by the county.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 29, 1849.

[No. 163.]

AN ACT appropriating certain non-resident highway taxes, for the improvement of the north road between the villages of Milford and Pontiac, in Oakland county.

Appropriation
of N. R.
highway tax

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all such non-resident highway taxes as may be collected for the year eighteen hundred and forty-eight and for two years thereafter, for one mile each way from the center of the north road, running from the corner of Pontiac and Front streets, in the village of Milford, east through the Hungerford settlement to Saginaw street in the village of Pontiac, and county of Oakland, shall be appropriated for the improvement of said road.

Special com-
missioner.

Sec. 2. A special commissioner shall be appointed by the Governor who, in expending all moneys which may become subject to

his control by the provisions of this act, shall be governed by the same laws as far as they are applicable, as are now or may hereafter be in operation for the government of township highway commissioners.

Sec. 3. It shall be the duty of said special commissioner before entering on the duties of his office, to take and subscribe an oath to faithfully perform said duties, and also to file in the office of the county treasurer of Oakland county, a bond in the penal sum of one thousand dollars, with two or more good and sufficient sureties to be approved by said treasurer, for the faithful discharge of the duties imposed upon him by virtue of this act, and in default thereof, it shall be the duty of said county treasurer to prosecute the same, in the manner prescribed by law for the prosecution of bonds against county officers. His oath & bond.

Sec. 4. It shall be the duty of said special commissioner, on or before the first day of June next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the county treasurer, who shall thereupon open an account with the Milford and Pontiac north road fund, and credit to said fund all moneys which may be in his hands, or may hereafter be paid into his office, for non-resident highway taxes upon any of the land described in said list, and charge said fund with all moneys drawn by said special commissioner. His duties.

Sec. 5. It shall further be the duty of said special commissioner, to issue his certificate to any person who may be entitled to the same in payment for labor performed, or materials furnished for the improvement of said road, stating the facts as they exist, and draw his warrant thereon for the amount due said person, upon the county treasurer, who shall pay the same from any moneys in his hands standing to the credit of said state road fund. Ibid.

Sec. 6. The said special commissioner shall be entitled to receive compensation for any services rendered in discharge of the duties imposed upon him by this act, the sum of one dollar and fifty cents per day for the time employed in carrying out the provisions of this act, and his accounts for such time, verified by his oath, shall be audited by the board of supervisors of the county of Oakland, and shall be paid from any moneys standing to the credit of said fund. Compensation of com'r

its passage.

Approved March 29, 1849.

[No. 164.]

AN ACT to incorporate the Northwestern Health Insurance Company.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Volney Chapin, William S. Maynard, Flavius J. B. Crane, Horace Church, Manly D. Howard, and all others who may become associated with them as stockholders, as hereinafter provided, their successors and assigns forever, be, and they are hereby created and made a body corporate and politic, for the purpose of health insurance, by the name of the "Northwestern health insurance company;" and by that name shall be, and hereby are empowered to purchase, have, hold, possess and enjoy, to themselves and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind, and the same to grant, alien, sell, invest and dispose of; to sue and be sued, plead and be impleaded, in all courts in this state; to have and use a common seal, and the same to change, break and renew at pleasure, and to ordain and put in execution such by-laws and regulations as they may deem proper for the well-ordering and government of said corporation, and the transaction of its business: *Provided*, They be not repugnant to the laws of the United States, or of this state, or to the provisions of this act of incorporation.

Capital stock, shares and instalments thereon.

Sec. 2. The capital stock of said corporation may be, and shall not exceed one hundred thousand dollars, and shall be divided into shares of fifty dollars each, and there shall be paid into the treasury of said corporation, by each subscriber to said capital stock, at the time of subscribing for the same, an instalment of five dollars on each share of stock by him subscribed for; and a further instalment of five dollars within forty days after the organization of said company; and the remainder of said shares, so subscribed for, shall within forty days after the organization of said company, be secured to be paid, either by bond and mortgage upon real estate, in gold and silver coin, or by such endorsed promissory notes as shall be approved of by the directors of said corporation; and shall be payable

in such instalments, and at such times, as the directors may determine; and such endorsers shall have a lien on the stock for which such note or notes are given.

Sec. 3. The business of said corporation shall be confined to health insurance, and contracts of insurance may be made on such terms and conditions, and for such periods of time and confined to such persons, as shall be from time to time ordered and provided for under and by virtue of the by-laws of said corporation; and policies may be issued, stipulated to be with or without participation of profits, but all dividends, which shall be declared upon such insurance, or declared to stockholders, which are not claimed and called for within one year after the same have been declared, shall be advertised, for at least four weeks in the state paper, and if not demanded within six months after the publication of said notice shall become forfeited to said company.

Business &
objects of
company.

Sec. 4. The office of said company shall be located in the village of Ann Arbor, in the state of Michigan, and the stock, property and affairs of said corporation shall be managed and conducted by not less than five, nor more than nine directors, (the number of said directors to be determined by the by-laws of said company) to be chosen by ballot from among and by the stockholders; which directors shall hold their offices until the second Monday of May next ensuing their election, and until others are chosen to supply their places; and the annual meeting for the choice of directors shall, after the first election, be holden in the village of Ann Arbor, on the second Monday of May. In the choice of directors as aforesaid, each stockholder present, or represented by his attorney, duly appointed and empowered, shall be allowed one vote for each and every share of stock by him held, and none but stockholders shall be eligible to the office of director; and the stockholders may determine what number of directors may constitute a quorum for the transaction of business.

Office of Co.
board of di-
rectors, &c.

Sec. 5. The directors may choose a president, secretary and treasurer of said corporation, and appoint such other officers, clerks and agents, and establish such agencies in this state or elsewhere, as shall be by them deemed advisable for conducting the business of the said company; fix their compensations and take bonds from any or all of them for the faithful performance of their duties; and make such covenants and agreements as may be deemed necessary. The president shall be chosen from among the directors, and hold his

Officers.

officers and servants of said company may be displaced, and new ones appointed at the pleasure of the directors. In the absence or disability of the president, the directors may choose a president pro tempore, and in case any vacancy shall occur in the board of directors, the remaining directors may choose a director or directors from among the stockholders to fill such vacancy, who shall hold the appointment until others are chosen in their places.

Corporation
not to be dis-
solved by
failure of
stock elec-
tion.

Sec. 6. If it shall so happen that an election of directors of said corporation shall not take place at the time of the annual meeting thereof in any year, said corporation shall not be dissolved thereby; but an election may be held at any time within one year thereafter, the time to be fixed upon and notice thereof given by the directors last chosen. And public notice, by order of the directors, shall always be given at least ten days previous to any meeting of the stockholders, in the state paper, or in such other way as may be deemed expedient; and the president shall have power to call special meetings of the stockholders whenever thereto requested by a majority of the directors.

Share trans-
ferable and
assessments
thereon

Sec. 7. The capital stock of said company shall be transferable according to the rules and regulations of the company, and if any subscriber of any share or shares of said stock, shall neglect or refuse to pay the instalments as aforesaid, or to secure the payment of the residue of the stock by him subscribed as aforesaid, for the space of sixty days after the same shall become due or required, and after he or they have been notified thereof, the stock of such negligent stockholder shall be sold by the directors, at public auction, giving at least thirty days notice thereof, in the state paper; and the proceeds of said sale shall be first applied in payment of the instalment called for, and the balance, if any, shall be refunded to the owner of said stock; and such sale shall in all respects entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

Subscription
to capital
stock & or-
ganisation
of company.

Sec. 8. To carry out the provisions of this act, and to organize the said corporation, the said William S. Maynard, Horace Church and Manly D. Howard, or either two of them are hereby authorized and appointed to receive subscriptions to the capital stock thereof, and the first instalment thereon, and when nine persons shall have become subscribers to the capital stock of said corporation, they may upon the call of the said William S. Maynard, Horace Church

and Manly D. Howard, or either two of them, meet together at the time and place named in said call, and adopt such rules and regulations as may be necessary or convenient for commencing or carrying on business under this act. They may also at the same time and place, choose a board of directors, in the manner hereinafter provided, who shall hold their offices, with all the powers given to directors by this act, until others are chosen to supply their places. And when the said rules and regulations have been adopted, and the directors chosen as aforesaid, and when the board of directors shall have been organized pursuant to the provisions hereinbefore made, the said corporation shall have full power to insure the health of such persons only, as are or may become subscribers to the capital stock, until one hundred shares of said capital stock have been subscribed for, and the instalment aforesaid has been actually paid in, and the residue of such subscriptions has been secured to be paid in the manner hereinafter required; but after the said one hundred shares of stock have been subscribed for and the instalment aforesaid has been paid in, and the residue of said subscription has been secured as aforesaid, the said corporation may exercise all the powers and privileges conferred by this act.

Sec. 9. All policies of insurance or other contracts authorized **Policies.** by this act, which shall be made and entered into by said corporation, may be either with or without the seal thereof, and shall be subscribed by the President, (or such other officer as shall be designated for the purpose by the by-laws of said corporation,) and attested by the secretary; and being so signed, executed and attested, shall be binding and obligatory upon said corporation, according to the true intent and meaning of such policies and contracts, and all such policies and contracts may be made, signed, executed and attested, without the presence of the board of directors, by the president, or by a committee of directors previously appointed for that purpose by said board, or by such other persons as they may appoint; and the acts of such president or of such committee or person appointed, shall be binding and obligatory upon said corporation.

Sec. 10. The capital stock, monies and personal estate, of said corporation, may be invested at the discretion of all of the directors, either in loans upon bonds and mortgages on unincumbered real estate, of the value of at least fifty per cent. more than the amount

Investment
of capital,
&c.

by any state of the United States, or in stocks of the "Michigan central railroad company," or may be loaned upon endorsed promissory notes not having more than twelve months to run; and the same may be called in and reloaned on the like security, as occasion may require.

Annual
statement of
directors.

Sec. 11. The directors of said corporation shall, on the first Monday of May, annually, cause a statement to be made, and a balance struck of the affairs of said corporation; and if there shall be any ascertained profits, after paying all the losses and expenses of the year preceding, and providing for outstanding risks, they shall first set apart from said profits, and divide among the stockholders a sum equal to six per cent. per annum, on the amount of capital stock actually paid in, if so much remain after paying said losses and expenses, and providing for said risks; and in case of such dividend not being made in any one year, it may be made good at a subsequent period, when the net resources of the corporation shall be sufficient for the purpose.

Dividends.

Sec. 12. After providing for risks, losses, incidental expenses and dividends, as specified in the preceding section, one half of the remaining profits, if any, shall be reserved by the directors and applied towards the payment of the capital stock which shall have been subscribed for before the striking of the balance, of the affairs of said corporation, as aforesaid, and the other half of said remaining profits may be divided among the stockholders and the insured.

Int.]

Sec. 13. After the whole capital stock authorized by this act shall be subscribed for and actually paid in, the stockholders shall be entitled to an annual dividend of six per cent.: *Provided*, The net surplus receipts of the corporation, over and above their losses and expenses, shall be sufficient for the purpose; and the residue of said surplus receipts, after paying said losses and expenses, may be divided among the stockholders and the insured; but no interest shall be paid or dividends declared either to the stockholders or to the insured, whereby the capital stock of said corporation shall be reduced or impaired; and if any loss shall happen, whereby the capital stock of said corporation shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution shall have been added to said capital stock.

Sec. 14. The stockholders of this corporation shall be individually liable for all debts incurred by said company: *Provided, That* ^{Liability of stockholders} the corporate property shall be first exhausted, before the private property of any member of said company shall be taken.

Sec. 15. The said company shall pay to the treasurer of the state of Michigan, an annual tax of one per cent. on the whole amount ^{State tax & annual report.} of capital paid in upon the capital stock of said company, which tax shall be paid on the first Monday of June in each year, or within ten days thereafter, and shall be assessed upon the last preceding report of said company, and for that purpose, the president and secretary thereof, shall on the first day of January in each year or within fifteen days thereafter, make under their hands a return to the state treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company; and in consideration of such tax, the property and effects of said company, whether real, personal or mixed, shall be exempt from all and every other tax, charge and exaction, by virtue of the laws of this state now or hereafter to be in force.

Sec. 16. The directors shall have power to require every person ^{Subscribers to effect insurance.} subscribing to the stock of said corporation to effect insurance herein, either upon his own health, or upon the health of some other person, for such length of time as they shall prescribe, and every person offering insurance in said corporation shall have the privilege of subscribing for one share of said stock until the whole number of shares authorized by this act, shall be taken up; but insurances may be made, and risks taken by said corporation, at the request of the parties insured, without their becoming stockholders or being entitled to any of the profits thereof.

Sec. 17. Suits at law may be maintained by any stockholder or ^{Suits ag't the company.} person insured, against said corporation, for losses or damages insured against by them, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance, and after the said corporation shall have been duly notified, and payment thereof demanded, of such loss or damage; and no stockholder or person insured, not being in his individual capacity a party to such suit, shall be deemed incompetent as a witness therein.

Sec. 18. The indebtedness of the said corporation, shall not at ^{Limitation of indebtedness.} any time exceed the amount of capital stock authorized to be sub-

said company within one year from the date of the passage of this act, the corporate rights hereby granted shall be deemed to be forfeited.

General provisions.

Sec. 19. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Duration of charter.

Sec. 20. This act shall take effect and be in force from and after its passage, and continue in force twenty years therefrom.

Restrictions as to banking.

Sec. 21. It shall not be lawful for said company to use their funds, or any part thereof, in any banking or brokerage, or exchange, or in buying or selling money, or bank notes, or in any other business whatever, except that especially provided for by this act.

Approved March 30, 1849.

[No. 165.]

AN ACT to incorporate the Saginaw and Grand River Canal Company.

Commissioners.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That G. D. Williams, James Frazer, D. J. Johnson, and J. L. Woodruff of Saginaw city, Adam L. Roof, of Ionia county, Rix Robinson, of Kent county, D. H. Fitzhugh, John F. Mackie and Charles Yates, of the city of New York, be, and are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Saginaw and Grand river canal company, hereby incorporated for the term of sixty years from the passage of this act: that they shall cause the books for subscription to be opened at the city of Saginaw, village of Grand Rapids, city of Detroit, and other places in this state as they may deem proper, and in the city of New York, in the state of New York, for the purpose of obtaining subscriptions to the capital stock of said company, first giving thirty days notice, in at least two newspapers at the time of taking such stock.

Books of subscription to capital stock.

Incorporation.

Sec. 2. The capital stock of this company shall be two hundred thousand dollars, in shares of fifty dollars each, and as soon as the capital stock shall have been subscribed, the subscribers thereto,

their successors and assigns shall be, and are hereby created a body corporate and politic, by the name of the Saginaw and Grand river canal company, and by that name shall be capable in law, of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary, for the purpose hereinafter mentioned, and no further, and in their corporate name may sue and be sued, may have a common seal, which they may renew and alter at any time, and shall have and enjoy, and may exercise all the powers, rights and privileges, which appertain to corporate bodies for the purposes mentioned in this act. The said corporation are hereby authorized to enter upon the canal commenced by the state, as their property, at the forks of Bad river, and upon the lands on either side, and through which the said canal may pass, to the bend of the Maple river, a tributary of Grand river, and as far on that river as may be thought proper, to tow path, and concentrate the water for canal use, giving notice to the owner or owners of land, of their intention to use such land for canal purposes. To dig, construct or excavate the earth, erect, set up any dams, locks, waste-weirs, sluices, feeders or any other device whatsoever, to render the same navigable with boats, barges, or other craft: that the said company shall have power to make such improvements on the said Bad, Maple and Grand rivers from the beginning of the canal to its termination at Grand river, for the purpose of carrying out the objects of the company. The company shall make amends for any damages that may be done on said lands, and pay the owner or owners for any material that may be taken for the use of the canal, or destroyed in its construction, as well as for the land through which said canal is to pass: that any river or stream that can be used as a feeder for such canal, if such is necessary, may cut to connect with the canal for such purposes.

Powers of
Co. in tak-
ing lands, &c.

Sec. 3. The said corporation may agree with the owner or owners of said land through which the said canal is to pass, or any other person or persons, for materials for the construction of locks, dams, waste-weirs, tow-paths, or any work whatsoever, for the construction or repair, purchase and occupancy of the same, as may be necessary for the purposes to carry out the intention of the company hereby incorporated. And if the parties cannot agree, or if the owner or owners, or any of them be a femme covert, under

Ibid.

Jury of in-
quest

age, non compos mentis, or out of the county in which the property wanted may be, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant directed to the sheriff of said county, or if the sheriff be interested, to some disinterested person, requiring him to summon twelve freeholders in the county, not interested nor in any way related to the parties, and if such persons cannot be found, from the county next adjoining, as may be designated by said justice above mentioned, to meet on or near the property or material to be valued, on a day named in said warrant, and not less than five nor more than ten days after the issuing of the same, and if at the said time and place, any of the persons summoned do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, and from them each party, his, her or their agent or attorney, or if either of them be not present in person, or by agent, the sheriff or summoner for him, her or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages; and before they act as such the sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owner or owners shall sustain by the use and occupancy of the land, by the said company: *Provided*, nothing shall prevent the owner or owners of said land from giving to the said company the said land as a free gift by deed, for the use and benefit of said company; and the said jury shall reduce the said inquest to writing, and shall sign and seal the same, and it shall be sent to the clerk of the county, to be by him filed in his office, and shall be confirmed by the circuit court of said county, at its next session, if no sufficient cause to the contrary be shown; and when confirmed the same shall be enrolled by the said clerk at the expense of said company, and said confirmation shall be deemed final.

Inquest to
be confirm-
ed by circuit
court.

Co. may dis-
pose of wa-
ter power.

Sec. 4. The said corporation shall have the privilege and be entitled to sell in fee, or lease or rent, for one or more years, any water power created by any dam or lock erected at the expense of the company, to any person or persons, on such terms as shall be deemed advantageous to the corporation: *Provided*, That it may be so done that it shall not injure any person now in possession.

When work
to be com-
menced, &c.

Sec. 5. If said corporation shall not within five years from the

passage of this act, commence the same by breaking ground, and shall not within ten years complete the same in such manner that said canal shall become navigable for boats, barges and other craft from Saginaw river to Grand river, or in other words, from lake Huron to lake Michigan, then the rights, privileges and powers of said corporation shall cease and become inoperative.

Sec. 6. Whenever the whole capital stock of said company shall have been subscribed, the commissioners shall call a meeting of the stockholders or subscribers at such time and place as they may appoint, by giving thirty days notice of such meeting, in the manner prescribed in the first section of this act; and at such meeting shall lay the books of subscription before the subscribers then present, and thereupon the stockholders may elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company; and said directors are empowered to elect one of their number president, and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or proxy.

1st meeting
and election
of first di-
rectors.

Sec. 7. There shall be chosen annually at such time and place as such directors may determine, a president and seven directors of said company, and if any vacancies shall occur by death, resignation or otherwise, of any president or director before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company or a majority of them. The president and directors shall hold their offices for one year, and until others are chosen and qualified to fill their places: All elections by this act, or by the by-laws of the company, to be made on any particular day, to be designated, and if not made on that day, may be made on any subsequent day, provided the notice contemplated in the first section, shall be given.

Annual e-
lection of
officers.

Sec. 8. A general meeting of the stockholders of said company shall be held annually, at the time and place appointed for the election of president and directors; a meeting may be called at any time during the interval between the said annual meeting, by the president and directors, or by the stockholders owning one-third of the stock, by giving thirty days notice of the time and place of meeting, in the manner hereinbefore prescribed, and when any such

General
meeting.

Special
meetings.

meeting is called by the stockholders, the particular object of such meeting shall be stated, and if at any meeting thus called, a majority in value of the stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business, and if within three days, stockholders having a majority of the stock, do not attend such meeting, then said meeting shall be dissolved.

Annual statement of directors.

Sec. 9. At the regular meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a distinct and clear statement of the affairs of the said company; and at any meeting called of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be, to furnish them when thus required, and at all general meetings of the stockholders, owning a majority of all the stock in said company, may remove from office any president or directors of said company, and appoint others in their stead.

Compensation of officers and powers of directors.

Sec. 10. The said president and directors or a majority of them shall have power to appoint, contract with, and determine the compensation of all such officers, engineers, agents and servants, whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure, and the said president and directors or a majority of them, shall have power to determine the manner and evidence of transfers of the stock of said company, and shall have power to pass all by-laws, which they may deem necessary for carrying into execution all the power vested in the company hereby incorporated, provided such by-laws shall not be contrary to the constitution or laws of the United States or this state. The president and directors of said company shall be, and they are hereby invested with all the privileges and powers necessary for the location and construction of said canal and locks, dams, feeders, waste-weirs, tow-paths and all manner of work, necessary to carry out the object and intent of constructing said canal for navigable purposes, also to declare the per cent. to be paid at the time of subscribing for said stock, and such other calls for money, how much, and when to be paid, from the subscribers to the stock of said company, until the whole amount is paid by each subscriber to the stock of the said company.

Sec. 11 The president and directors of said company, or their agent or agents, or those with whom they may contract for the excavating of said canal, building locks, and clearing out rivers to render the canal navigable, or any part of them, may enter upon, use, excavate any land which may be wanted for the use of the canal, or any purpose which is necessary for the construction and repair of said canal, locks, dam, feeders, waste-weir, tow-paths or whatsoever they may deem necessary for the use and benefits of said company, as soon as the amount of compensation therefor is ascertained and tendered as hereinbefore provided.

Company may take possession of land, &c. after compensation therefor is tendered, &c.

Sec. 12. If the president and directors of said company shall neglect or refuse to keep in good order and repair, any dam erected at the time of building said canal, or shall neglect to remove any obstacle in the river, used by the company which is caused by any of the boats, rafts, navigating said canal, when the same is not prevented by ice, or some unavoidable cause, after ten days notice to the superintendent of the canal, they shall for every such offence pay to the party aggrieved, the sum of twenty dollars, to be recovered by action of debt, before any court having competent jurisdiction.

Penalty for neglect to repair canal &c.

Sec. 13. If any person or persons shall wilfully and knowingly do any act or thing whereby the navigation shall be impeded, or whereby any dam, lock, gate or tow-path, engine, machine or device therein belonging or any machinery or property of the company (or contractors who are constructing said canal,) shall be injured or damaged, he, she or they so offending, shall forfeit and pay to the company double the damages by them sustained, together with costs, to be recovered by an action of debt, before any court of competent jurisdiction.

Trespasses on property of company.

Sec. 14. Nothing herein contained, shall be so construed as to authorize said company to destroy, or in any way impair any right or privilege of water on which a dam has been erected and which is occupied and improved by the erection of mills, and if it should be necessary to alter any dam so erected, or alter any lock or sluice thereon, to correspond with the improvement of said company and adapt the same to the purposes intended by this act, and such alteration is not assented to by the mill-owners who erected said dam, lock or sluice, the damages for any such alteration shall be first as-

Rights of mill-owners reserved.

certained and tendered to such owners as herein provided, before such alteration shall be made: *Provided*, That on any such alteration of any dam, lock or sluice-way being made by the company, the owner of such dam shall be entitled to all the water power created by such alteration, and in the estimate of damages as aforesaid, the increase, if any, to the water, shall be taken into consideration, in making such estimate, but in no case shall any estimate be made, which shall require the owner of any such dam to pay any sum of money to said company for the improvements made to the dams as above provided.

Tolls.

Sec. 15. The president and directors and company, or such person or persons as they shall from time to time appoint, shall have power to charge and receive for tolls on said canal and rivers, such reasonable sum as shall be established by the by-laws of the company hereby incorporated, and it shall not be lawful for any other company or any other person or persons to receive tolls in any portion of the rivers above referred to, or any part thereof, from the city of Saginaw to the village of Lyons, on Grand river, without the license or permission of the president and directors of said company; and the shares of the capital stock of said company shall be considered personal property and shall be transferable on the books of said company agreeably to the by-laws of said company.

Dividends.

Sec. 16. The president and directors shall at such times as the company by their by laws may direct, declare and make such dividends as they may think proper for the net profits from the resources of said company, deducting the necessary current expenses, and they shall make such dividends among the stockholders of said company in proportion to their respective shares.

Liability of stockholders

Sec. 17. The stockholders shall be individually liable for all debts contracted by the said company, after the corporate property of said company shall have been first exhausted.

State may purchase canal.

Sec. 18. It shall be lawful for the state of Michigan, at the expiration of the time granted by this company, to take possession of the canal and improvements made for the purposes before mentioned, and convert the same into state property, on the payment of the cost and investment and ten per cent. in addition thereto. Said corporation shall be subject to the provisions of chapter fifty-five.

title ten, of the revised statutes of 1846, so far as the same may be applicable.

Sec. 19. This act shall take effect and be in force from and after its passage.

Approved March 30, 1849.

[No. 160.]

AN ACT authorizing the Librarian to cause to be bound the Illustrated Dramatic Works of Shake-peare, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the librarian is hereby re-^{Certain works to be re-bound.} quired to cause to be bound, the illustrated dramatic works of Shakespeare, and also the pictures of the North American Indians, now in the state library.

Sec. 2. The cost of the binding the said books shall be paid by ^{Pay therefor} the state treasurer out of any money in his hands not otherwise appropriated, on the certificate of the librarian that the work has been properly done.

Sec. 3. That the governor is hereby authorized and required to transfer from the state library to the university of Michigan, four ^{Transfer of certain books to university.} volumes of the works of the Marquis de la Place, entitled "Mechanique Celeste."

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 30, 1849.

[No. 167.]

AN ACT to amend an act entitled an act to incorporate the City of Monroe and certain acts amendatory thereto.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five of the act en-^{Monroe city charter amended.} titled an act to incorporate the city of Monroe, approved March twenty-seventh, eighteen hundred and thirty-seven, be amended by striking out words "one collector," in the ninth line thereof, and the word "collector," in the eighteenth line of the same; also, that sec-

tion eight be amended by inserting the words "and one collector," between the words "solicitor" and "two," in the sixth line.

Sec. 2. That section five of an act, entitled an act to incorporate the city of Monroe, approved February sixteenth, eighteen hundred and forty-two, be amended by striking out the word "one," in the fifth line, and inserting in the place thereof, the word "five."

Sec. 3. That the act entitled an act to amend the charter of the city of Monroe and for other purposes, approved March seventeenth, eighteen hundred and forty-eight, be amended by adding at the end of section sixteen the following: "and it shall be the duty of the collector on or before the first Monday of November of each year, to make out and deliver to each of the assessors of the city of Monroe lists of such portions of all the lands of non-residents and persons unknown, as are situated in the wards of such assessor, which are taxed in the roll attached to his warrant, for street taxes, and upon which the street taxes have not been paid, together with the amount unpaid on each tract, lot or parcel, and make and subscribe an oath before some person competent to administer oaths, or before such assessor, that the street tax assessed upon the lands so returned have not been paid, which arrearages of street taxes shall be by the assessors of any ward of said city, in which ward any of the said lots, tracts or parcels are situate, placed on his assessment rolls in a column to be headed "street taxes," opposite the description of the property so returned, and shall be collected in the same manner as the city taxes of said city are required by law to be collected."

Sec. 4. That section twenty-three of chapter forty-one of the revised statutes be so amended, that for the city of Monroe, the license money therein directed to be paid to the clerk for license, shall hereafter in all cases be paid to the treasurer of said city, by the person applying for such license, previously to such license being issued.

Sec. 5. That it shall be lawful for the assessors of the several wards of the city of Monroe, in assessing all city taxes of every description to add to the same four per cent. for fees of the collector, in the same manner as in assessing state and county taxes.

Sec. 6. That the common council of the city of Monroe shall have power to make all such laws and ordinances as to them may seem proper, to direct and prescribe the manner of assessing the real es-

Fees of collector in Monroe.

Power of com. council of Monroe.

tate of said city for the purpose of paying off the indebtedness of said city heretofore lawfully incurred for the purposes of improving the navigation of the river Raisin, and may by ordinance direct said assessors of the several wards of said city, at such time or times, and in such manner as to said common council may seem expedient, to meet together and equalize the valuation of real estate in said city, for the said purpose.

Sec. 7. The common council of the city of Monroe may at any time require an additional bond to be executed by the said collector, in double the amount of the sum to be collected, with good and sufficient sureties to be approved by the said common council, and if said collector fail to give such additional bond within ten days after he shall be required to execute the same, the office of said collector may thereupon be declared vacant by the common council.

Bonds of
city collector.

Sec. 8. Whenever the office of any collector shall become vacant for the cause mentioned in the last preceding section, the said common council shall within five days after such vacancy shall occur, appoint another collector, who shall hold his office until the next ensuing annual charter election, provided he shall execute such bond at the time, and in the manner as hereinbefore prescribed.

Vacancy in
office of collector—how
filled.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 30, 1849.

[No. 168.]

AN ACT to incorporate the Oakland Female Seminary.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alfred Williams, Origen D. Richardson, Horace C. Thurber, Willard M. McConnel, Benjamin B. Morris, Hestor L. Stevens, Samuel M. Stelle, Jacob Hendrickson and Ezra H. Buddington, together with such other persons as may become members of the incorporation hereby created, shall be and they are hereby constituted and declared to be a body corporate and politic, by the name of the Oakland Female Seminary, and in their corporate name may sue and be sued, may have a common

Incorporation.

seal which they may renew at pleasure, and shall have, enjoy, and may exercise, all the powers, rights and privileges, which appertain to corporate bodies for the purposes mentioned in this act.

Capital.

Sec. 2. The capital stock of said corporation shall not exceed the sum of ten thousand dollars, and shall be divided into shares of ten dollars each.

Real estate of company.

Sec. 3. The corporation hereby created, shall be forever capable in law to purchase, take, receive, hold and enjoy any estate real and personal whatever, to an amount not exceeding five thousand dollars and to lease, sell and convey, or otherwise dispose of the same.

Trustees.

Sec. 4. There shall be forever hereafter, eight trustees of the said corporation who shall be members thereof, and who shall manage all the affairs thereof; and the first trustees shall be Alfred Williams, Origen D. Richardson, Horace C. Thurber, Willard M. McConnell, Benjamin B. Morris, Hestor L. Stevens, Samuel M. Stein Jacob Hendrickson and Ezra H. Rudington, who shall hold their offices until the first day of January eighteen hundred and fifty and until others are elected in their places.

Gen'l meetings of Co.

Sec. 5. There shall be on the first Monday of January, eighteen hundred and fifty, and on the first Monday of January in every succeeding year a general meeting of the members of said corporation at some convenient place in the village of Pontiac, to be designated by the by-laws of said corporation; and a majority of the members who shall meet in person or by proxy, shall elect by ballot, eight of their number to be trustees of the said corporation for the year then next ensuing.

Power of trustees to choose officers.

Sec. 6. The trustees of said corporation shall have power to choose from out of their number a president, a treasurer, and a secretary, who shall immediately enter upon the duties of their office, and hold the same from the time of their election, until the first Monday of January, of the ensuing year, and until others are chosen in their stead; and in case any of the trustees shall die, resign, refuse or neglect to act, then and in every such case, the remaining may within thirty days thereafter, elect by ballot, other members of said corporation in their stead who shall hold their offices in the same manner as those first elected.

Shares of stock.

Sec. 7. Each member to be entitled to one vote for each share.

of which he shall be the holder. And the said trustees shall receive subscriptions for shares in said corporation until the capital stock may be subscribed; the said shares shall be assignable and transferable according to such rules as the board of trustees shall from time to time make and establish, and shall be considered personal property.

Sec. 8. In case it should at any time happen that an election of the trustees should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, or any non user, be dissolved; but it shall and may be lawful, on any other day, to hold an election for trustees in such manner as shall be provided by the laws and ordinances of the said corporation.

Proceedings in case of failure to elect officers at regular meeting.

Sec. 9. No male teacher shall at any time hereafter forever be employed in the seminary hereby incorporated. The trustees may by their by-laws make all necessary rules and regulations for calling special meetings and for all other purposes, and five trustees shall constitute a quorum for the transaction of business,

Teachers, by-laws, &c.

Sec. 10. This act shall take effect and be in force from and after its passage, and shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty six.

General provisions.

Approved March 30, 1849.

[No. 169.]

AN ACT to provide for laying out and establishing a certain State Road in the counties of Allegan, and Kent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Oka Town and Erastus Congdon of the county of Allegan, and Hiram Jennison of the county of Kent, be, and are hereby appointed commissioners to lay out and establish a state road leading and running on the most direct route from Otsego in the county of Allegan, to Grand Rapids in the county of Kent.

Comm'r to lay out road.

Sec. 2. The commissioners named in this act, shall file the surveys of so much of the above mentioned road, in the office of the township clerk of each township through which said road shall pass as shall be laid out in such township, and it is hereby made the du-

Duties of said comm'r and certain town clerks.

ty of the township clerks in the said townships to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded, and the several townships shall be chargeable equally alike for the expense of laying out and establishing said road, together with the necessary expense of the survey, which shall be audited and paid when collected, to the said commissioners as other highway expenses are paid; said commissioners to receive one dollar and fifty cents per day for actual services.

Sec. 3. This act shall take effect and be in force from and after its passage

Approved March 30, 1849.

[No. 170.]

AN ACT to provide for the location of the Seat of Justice in the County of Kent.

Appointm't,
power and
duties of
comm'rs to
locate coun-
ty site of
Kent Co.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor be, and he is hereby authorized and required to appoint three suitable and disinterested persons, not residents of said county, as commissioners, to examine the present location of the county seat of the county of Kent, who shall meet at such time and place as he may designate, in said county, and after being duly sworn, faithfully and impartially to discharge the duty assigned them; and also, that they are not directly or indirectly interested in the said location, they shall proceed and ascertain whether, in their judgment, it is now located at such place as will most promote the interests of said county, and if not, they shall examine the several places that may be proposed in said county, and shall establish said county seat at such place as they or a majority of them shall consider for the best interest of said county, upon such land as shall be deeded to the county for that purpose: *Provided*, The quantity of land so to be conveyed shall be sufficient for the purposes contemplated by this act.

Sec. 2. Said commissioners shall be allowed the sum of three dollars each, per day for every day necessarily employed as aforesaid, and which shall be paid to him or his order by the treasurer of said

county out of the first moneys which shall come into his hands belonging to the county.

Sec. 3. The commissioners shall transmit a certificate of the location of said county seat to the governor within ten days thereafter, under their hands and seals, and the governor shall thereupon order the same to be recorded in the office of the secretary of state, and said location shall thereupon be the lawfully established county seat for said county, and notice thereof shall be published in the state paper.

Comm'r to transmit certificate, &c.

Sec. 4. This act shall take effect from and after its passage.

Approved March 30, 1849.

[No. 171.]

AN ACT to incorporate the North American Health Insurance Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Daniel J. Campau, David Smart, Josiah Snow, Charles W. Chapel, William Harsha, Phineas Homan, Dean Swift, Horace N. Perrin, Addison J. Comstock, Levi Bishop, John Wells, J. D. Morton and Harrison Swift, and all others who may become associated with them as stockholders, as hereinafter provided, their successors and assigns forever, be, and they hereby are created and made a body corporate and politic, for the purpose of health insurance, by the name of the "North American health insurance company;" and by that name shall be, and they are empowered to purchase, have, hold, possess and enjoy, to themselves and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind, and the same to grant, alien, sell, invest and dispose of; to sue and be sued, plead and be impleaded, in all courts in this state; to have and use a common seal, and the same to change, break and renew at pleasure, and to ordain and put in execution such by-laws and regulations as they may deem proper for the well-ordering and government of said corporation, and the transaction of its business: *Provided*, They be not repugnant to the laws of the United States, or of this state, or to the provisions of this act of incorporation.

Incorporation.

Sec. 2. The capital stock of said corporation may be, and shall not exceed fifty thousand dollars, and shall be divided into shares

Capital and shares thereof.

of twenty dollars each, and there shall be paid into the treasury of said corporation, by each subscriber to said capital stock, at the time of subscribing for the same, an instalment of five dollars on each share of stock by him subscribed for; and a further instalment of five dollars within forty days after the organization of said company; and the remainder of said shares, so subscribed for, shall within forty days after the organization of said company, be paid in gold or silver.

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LAWS OF MICHIGAN.

shall be by them deemed advisable for conducting the business of the said company; fix their compensations and take bonds from any or all of them for the faithful performance of their duties; and make such covenants and agreements as may be deemed necessary. The president shall be chosen from among the directors, and hold his appointment for one year, and until another is chosen; but the other officers and servants of said company may be displaced, and new ones appointed at the pleasure of the directors. In the absence or disability of the president, the directors may choose a president pro tempore, and in case any vacancy shall occur in the board of directors, the remaining directors may choose a director or directors from among the stockholders to fill such vacancy, who shall hold the appointment until others are chosen in their places.

Sec. 6. If it shall so happen that an election of directors of said corporation shall not take place at the time of the annual meeting thereof in any year, said corporation shall not be dissolved thereby; but an election may be held at any time within one year thereafter; the time to be fixed upon and notice given thereof by the directors last chosen. And public notice, by order of the directors, shall always be given at least ten days previous to any meeting of the stockholders, in a newspaper printed in Detroit, or in such other way as may be deemed expedient: and the president shall have power to call special meetings of the stockholders whenever thereto requested by a majority of the directors.

Sec. 7. The capital stock of said corporation shall be transferable according to the rules and regulations of the company, and if any subscriber of any share or shares of said stock, shall neglect or refuse to pay the instalments as aforesaid, or to secure the payment of the residue of the stock by him subscribed as aforesaid, for the space of sixty days after the same shall have become due or required, and after he or they have been notified thereof, the stock of such negligent stockholder shall be sold by the directors, at public auction, giving at least thirty days notice thereof, in some newspaper printed in Detroit, and the proceeds of said sale shall be first applied in payment of the instalment called for, and the balance, if any, shall be refunded to the owner of said stock; and such sale shall in all respects entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

Sec. 8. To carry out the provisions of this act, and to organize the said corporation, the said Josiah Snow, Daniel J. Campau and

Failure
elect
annual
meeting
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Shares
stock to
transferable
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thereon

Committee
to receive
subscriptions
to capital
stock.

William Haraba, or either two of them are hereby authorized and appointed to receive subscriptions to the capital stock thereof, and the first instalment thereon, and when nine persons shall have become subscribers to the capital stock of said corporation, they may upon the call of the said Josiah Snow, Daniel J. Campau and William Haraba, or either two of them, meet together at the time and place named in said call, and adopt such rules and regulations as may be necessary or convenient for commencing or carrying on business under this act. They may also at the same time and place, choose a board of directors, in the manner hereinafter provided, who shall hold their offices, with all the powers given to directors by this act, until others are chosen to supply their places. And when the said rules and regulations have been adopted, and the directors chosen as aforesaid, and when the board of directors shall have been organized pursuant to the provisions hereinbefore made, the said corporation shall have full power to insure the health of such persons only as are or may become subscribers to the capital stock, until one hundred shares of said capital stock have been subscribed for, and the instalment aforesaid has been actually paid in, and the residue of such subscriptions has been secured to be paid in the manner hereinafter required; but after the said one hundred shares of said stock have been subscribed for and the instalment aforesaid has been paid in, and the residue of said subscription has been secured as aforesaid, the said corporation may exercise all the powers and privileges conferred by this act.

Form of
contracts &
policies.

Sec. 9. All policies of insurance or other contracts authorized by this act, which shall be made and entered into by said corporation, may be either with or without the seal thereof, and shall be subscribed by the president, (or such other officer as shall be designated for the purpose by the by-laws of said corporation,) and attested by the secretary; and being so signed, executed and attested, shall be binding and obligatory upon said corporation, according to the true intent and meaning of such policies and contracts; and all such policies and contracts may be made, signed, executed and attested without the presence of the board of directors, by the president or by a committee of directors previously appointed for that purpose by said board, or by such other person as they may appoint; and the acts of such president, or of such committee or persons appointed, shall be binding and obligatory on said corporation.

Sec. 10. The capital stock, monies and personal estate, of said corporation, may be invested at the discretion of all the directors, Investment of capital. either in loans upon bonds and mortgages on unincumbered real estate, of the value of at least fifty per cent. more than the amount loaned thereon, or in United States or state stock, or stocks created by any of the United States, or in stocks or bonds of any railroad company in the state of Michigan, or may be loaned upon endorsed promissory notes not having more than twelve months to run; and the same may be called in and reallocated on the like security, as occasion may require.

Sec. 11. The directors of said corporation shall, on the first Monday of May, annually cause a statement to be made, and a balance struck of the affairs of said corporation; and if there shall be any Annual statement of officers and dividend. ascertained profits, after paying all the losses and expenses of the year preceding, and providing for outstanding risks, they shall first set apart from said profits, and divide among the stockholders a sum equal to six per cent. per annum, on the amount of capital stock actually paid in, if so much remain after paying said losses and expenses, and providing for said risks; and in case of such dividend not being made in any one year, it may be made good at a subsequent period, when the net resources of the corporation shall be sufficient for the purpose.

Sec. 12. After providing for risks, losses, incidental expenses and dividends, as specified in the preceding section, one half of the Dividend of surplus profits over six per cent. per annum. remaining profits, if any, shall be reserved by the directors and applied towards the payment of the capital stock, which shall have been subscribed for before the striking of the balance of the affairs of said corporation, as aforesaid, and the other half of said remaining profits may be divided among the stockholders and the insured.

Sec. 13. After the whole capital stock authorized by this act shall be subscribed for and actually paid in, the stockholders shall be Dividends after capital is paid in. entitled to an annual dividend of six per cent: *Provided*, The net surplus receipts of the corporation, over and above their losses and expenses, shall be sufficient for the purpose; and the residue of said surplus receipts, after paying losses and expenses, may be divided among the stockholders and the insured; but no interest shall be paid or dividends declared either to the stockholders or the insured, whereby the capital stock of said corporation shall be reduced or

impaired; and if any loss shall happen whereby the capital stock shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution shall have been added to said capital stock.

Liability of
stockholders

Sec. 14. The stockholders of this corporation shall be individually liable for all debts incurred by said company: *Provided*, That the corporate property shall be first exhausted, before the private property of any member of said company shall be taken.

Subscribers
to effect in-
surance.

Sec. 15. The directors shall have power to require every person subscribing to the stock of said corporation to effect insurance herein, either upon his own health, or the health of some other person, for such length of time as they shall prescribe; and every person effecting insurance in said corporation shall have the privilege of subscribing for one share of said stock until the whole number of shares authorized by this act, shall have been taken up; but insurance may be made, and risks taken by said corporation, at the requests of the parties insured, without their becoming stockholders or being entitled to any of the profits thereof.

Suits by
stockholders
on insu-
rance.

Sec. 16. Suits at law may be maintained by any stockholder or person insured, against said corporation, for loss or damages insured against, by them, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance, and after the said corporation shall have been duly notified, and payment thereof demanded, of such loss or damage; and no stockholder or person insured, not being in his individual capacity a party to such suit, shall be deemed incompetent as a witness therein.

Limitation
of indebted-
ness of Co.

Sec. 17. The indebtedness of said corporation shall not at any time exceed the amount of capital stock authorized to be subscribed by this act. And in case of a failure to organize the said company within one year from the date of the passage of this act, the corporate rights hereby granted shall be deemed to be forfeited.

General pro-
visions.

Sec. 18. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, as far as the same may be applicable.

Duration of
charter—its
amendment,
repeal, &c.

Sec. 19. This act shall take effect and be in force from and after its passage, and continue in force twenty years therefrom. The legislature may at any time alter, amend or repeal this act.

Sec. 20. It shall not be lawful for said company to use their funds, or any part thereof, in any banking or brokerage, or in buying or selling money, or bank notes, or in any other business whatever, except that especially provided for by this act. Restrictions

Approved March 30, 1849.

[No. 172.]

AN ACT to authorize Losina Wilson, widow of Daniel Wilson, to sell certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Losina Wilson, widow of Daniel Wilson, late of the county of Oakland, deceased, be and is hereby empowered and authorized to sell at private sale or at public auction, the following lands, to wit: lot number two, (2) in village of Springfield; and a certain lot lying on the Saginaw turnpike in the county of Oakland, deeded by David B. Harrington to said Daniel Wilson the twenty-eighth day of July, eighteen hundred and forty-seven; and the south-west quarter of section fifteen in township number three (3) north of range number three (3) east, and containing one hundred and sixty acres according to the United States survey; and on such sale to make all necessary conveyance to any purchaser or purchasers of the same, which conveyance, after being duly acknowledged may be recorded in the registers' office of the counties where the same may be situated: *Provided*, L. Wilson authorized to convey cert'n lands. Proviso. The judge of probate in the counties of Oakland and Livingston approve of the sale of said lands and endorse their approval of the sale on the deed conveying said lands.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1849.

[No. 173.]

AN ACT to amend an act entitled an act to amend an act entitled an act to incorporate the village of Marshall, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the boundaries of the village Boundaries of the village of Marshall defin'd

of Marshall, in the county of Calhoun, shall hereafter be as follows, viz: beginning at the south east corner of section twenty-five, in the township of Marshall and county of Calhoun, aforesaid, thence west to the Kalamazoo river, thence westerly along the north branch of said river to the west line of the east half of section twenty-six in said township; thence north along said last mentioned line to the quarter post on the north line of said section twenty six; thence east along said last mentioned line to the north line of section twenty-five of said township to the west line of the township of Marengo, and thence south to the place of beginning.

1st and 2nd
wards.

Sec. 2. The first ward of said village shall hereafter embrace all of said village lying west of the east line of the west half of the west half of section twenty-five in said town, and so much of said village lying east of said line as is embraced between the north line of Monroe street, the west line of Marshall avenue and the Kalamazoo river. And the second ward of said village shall embrace all of said village lying east and north of said first ward.

Power of
com. coun-
cil to levy
taxes re-
stricted.

Sec. 3. The common council of said village shall have power and authority to levy and collect taxes on all the real and personal property within the limits of said village liable to taxation, necessary to defray the expenses thereof, *Provided*, Said taxes so assessed and collected shall not exceed in any one year, one half of one per centum upon the valuation of said real and personal property.

Duties of
street com-
missioners.

Sec. 4. Every street commissioner shall on or before the first Monday of October, in each year, make out and deliver to the common council, a list of all lands of non-residents, and of persons unknown, which are taxed on his list, and upon which the labor assessed has not been paid, and the amount of labor unpaid.

Village
street taxes.

Sec. 5. The common council shall cause the amount of such arrearages of labor, estimating the same at seventy-five cents per day, to be levied on the lands so returned, and to be collected in the same manner as other village taxes are collected. And the same, when collected, shall be paid into the treasury of the village, to be applied by the common council in the construction and improvement of the streets, highways and bridges in the ward, for the benefit of which the labor was originally assessed.

Sec. 6. All process to carry into effect any of the by-laws, ordinances, or regulations of said village, shall be directed to the marshal of the village of Marshall, or to any constable of the county of Calhoun, and may be executed anywhere within said county, and shall be served and returned in the same manner as similar process issued by a justice of the peace is served and returned, and the same fees shall be allowed and taxed as in like cases in a justice court.

Process to be issued by com. council.

Sec. 7. Said corporation shall be allowed the use of the common jail of the county of Calhoun for the imprisonment of all persons liable to imprisonment under the by-laws, ordinances and regulations of said corporation, and all persons committed to said jail, shall be under the charge of the sheriff. The costs and charges made in consequence of such imprisonment shall in no case become a county charge.

Right of village to use of county jail.

Sec. 8. Such portion of the act entitled an act to amend an act to incorporate the village of Marshall and for other purposes, and such portions of all other acts heretofore enacted in regard to said village, contravening the provisions of this act are hereby repealed; but such repeal shall not affect any act already done, right accrued, or proceedings had or commenced by virtue thereof.

Charter amended.

Sec. 5. This act shall take effect from and after the day of its passage.

Approved March 30, 1849.

[No. 174.]

AN ACT to authorize Charlotte Pratt, widow of John W. Pratt, deceased, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charlotte Pratt, widow of the late John W. Pratt, of the county of Oakland, and the guardian or guardians of the minor heirs of the said John W. Pratt, be and they are hereby authorized to sell and convey the following described land, viz: the east half of the south east quarter of section number thirty-one, and the west half of the south west quarter of section number thirty-two, in town number five north of range number eight east; and any deed or deeds executed in accordance herewith, shall be valid and

O. Pratt, as guardian, &c authorized to convey certain lands.

Proviso.

binding as though said heirs were of lawful age and had themselves executed the same: *Provided*, That such conveyance shall be of no force unless approved of by the judge of probate of said county of Oakland, which approval shall be certified on such conveyance under the hand and seal of office of said judge of probate.

Sec. 2. This act shall take effect from and after its passage.

Approved March 30, 1849.

[No. 175.]

AN ACT for the relief of Nancy D. Carter.

N. D. Carter
authorised
to make
payment on
certificates
for school
lands issued
to her hus-
band.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Nancy D. Carter widow of the late Siloam S. Carter, be and she is hereby authorized to pay into the state treasury the amount of principal and interest specified in certificate number eighty-three for the sale of lot number seven in block number one hundred and fourteen; and certificate number eighty-four, for the sale of lot number eight in said block number one hundred and fourteen, in the town of Lansing, according to the recorded plat thereof, executed by the commissioner of the land office, to the said Siloam S. Carter.

Issue of pa-
tent on such
payment &
effect there-
of

Sec. 2. The governor of this state is hereby authorized, on presentation of said certificates with the certificate of the commissioner of the land office endorsed thereon, that the whole amount of the principal and interest therein, has been paid by the said Nancy D. Carter, to sign and cause to be issued a patent for the land described in the said certificates; which patent shall vest in the said Nancy D. Carter, the same title to said lots that the said Siloam S. Carter might have acquired by similar payments were he still living.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1849.

[No. 176.]

AN ACT to authorize Eunice James, widow of Solomon James, to sell certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Eunice James, widow of Solomon James, late deceased, be and she is hereby empowered and authorized to sell at private sale or at public auction, the west half of the south west quarter of section twenty-nine, (29) town six (6) north of range ten (10) east, in the county of Lapeer, and on such sale to make all necessary conveyance to any purchaser or purchasers of the same; which conveyance after being duly acknowledged may be recorded in the register's office of the county where said lands are situated: *Provided*, The judge of probate of the county of Lapeer shall approve of the sale of said lands and endorse his approval of the sale on the deed conveying said land.

E James authorized to convey certain real estate.

Provided

Sec. 2. Before the lands mentioned in the first section of this act shall be conveyed, the said Eunice James shall execute and deliver to the judge of probate of the county of Lapeer, a bond with at least two sufficient sureties, conditioned that she will faithfully apply two-thirds of the proceeds thereof for the support, maintenance and education of the minor children of Solomon James, deceased.

Bond to be given for faithful application of proceeds of sale.

Sec. 7. This act shall take effect from and after its passage.

Approved, March 31, 1849.

[No. 177.]

AN ACT to incorporate the "Native Copper Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Horatio Bigelow, Junius Hale, Horace S. Roberts and others who shall become associated with them, are hereby constituted a body corporate by the name of the "Native copper company," for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan.

Incorporation.

Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred and fifty thousand dollars, divided into shares of fifty dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of

Capital and real estate of company.

Michigan as the business of the company may require, to an amount not exceeding the capital stock of said company.

Officers of
the company.

Sec. 3. The officers of said company shall consist of a president, a board of three directors including the president, (who shall be one thereof;) a secretary and treasurer, who may however at the pleasure of the company be one and the same person, and the said company may levy assessments on the shares of its stock and forfeit and sell the same for non-payment of any such assessment in such manner as said company by its by-laws may prescribe: *Provided*, That one of the said directors shall at all times be a citizen and resident of this state, upon whom service of all process against said company may be made, and such service shall be deemed a valid service as against the said Native copper company.

Assessment
on shares,
&c.

State tax &
annual re-
port.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be in lieu of the state tax upon the personal and real estate of said company and shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the state treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which has at any time been borrowed by said company, and any investment of any portion of the net profits of said company in the business of said company shall be considered as so much capital paid in and returned to the state treasurer accordingly.

1st meeting.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section or any two of them shall appoint by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of in-
habitants of
this state—

Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company for all

hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company. And any person may enforce the said lien by filing with any court having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of such company, and the same proceedings may be thereupon had as in other cases.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of 1846, so far as the same may be applicable. and it shall not be lawful for said company to use their funds or any part thereof in any banking transaction, in brokerage or exchange, in dealing in money or bank notes or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those herein particularly specified. General provisions.

Sec. 8. The said company shall within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan and file in the office of the secretary of state, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct. Business office.

Sec. 3. This act shall take effect from and after its passage, and continue in force thirty years therefrom. Duration of charter.

Approved March 31, 1849.

[No. 178.]

AN ACT supplementary to an act entitled "an act to establish a State Normal School."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the words "the normal school board," wherever mentioned in the act entitled "an act to establish a state normal school," shall be understood and construed to mean "board of education," as provided in said act. Act amended relative to title of N. S. board.

Sec. 2. The ten sections of salt spring lands to be located by the

N. S. building lands to be reserved from sale, appraised & sold for certificates issued by B. of education.

board of education as the normal school building lands, shall be reserved from sale at the state land office, but may be appraised at the minimum price established, as is now or may be hereafter provided by law in regard to other salt spring lands, and warrants drawn by the auditor general in pursuance of the certificate of the president of the board of education, as provided in section fifteen of the act to which this is supplementary, shall alone be receivable for said ten sections, and no such certificate shall be issued until work shall be done, or services rendered, or buildings erected for the normal school under the direction of the board of education, entitling the applicant to such certificate, according to a contract or agreement with said board for that purpose, or for services and expenses of the board or some member thereof, in connection with the selection of the site, or the erection of the normal school buildings.

Lands of N. S. endowment fund subject to sale at land office.

Sec. 3. The fifteen sections of salt spring lands appropriated for the normal school endowment fund, shall remain subject to sale at the state land office, as is now or shall be hereafter provided by law; and the principal shall be and remain a perpetual fund for the use of said school; the instalments of principal paid by the purchaser shall be paid into the state treasury, and the interest thereon from the time of its receipt, or from the time of the preceding computation of interest as the time may be, shall be computed by the auditor general and state treasurer, at the close of each fiscal year, at the rate of six per cent. per annum, and together with all interest paid by purchasers of any portion of the fifteen sections aforesaid, shall be passed to the credit of the normal school interest fund, to be drawn therefrom upon the warrant of the auditor general, issued in pursuance of a certificate of the board of education or their president and secretary, that the money is due and payable to the principal of the normal school, or his assistants, or to the members of the board as hereinafter authorized.

Disposition of principal and interest received on such sale.

Expenses of board of education to be paid out of N. S. interest fund.

Sec. 4. The services and expenses of the board of education, after the erection of the necessary buildings and the exhaustion of the ten sections of salt spring lands appropriated for building purposes, shall be paid for out of the normal school interest fund in the same manner, as near as may be, as is required in regard to monies drawn for the payment of the principal or other teachers: and the power conferred upon the president of the board under the

fourth section of the act to which this is supplementary, shall cease and determine whenever the site for the normal school buildings is selected and the contract for the erection thereof shall have been concluded.

Sec. 5. The board of education may in their discretion require any applicant for admission to said school, other than such as shall prior to such admission sign and file with said board a declaration of intention to follow the business of teaching primary schools in this state, to pay or secure to be paid such fees for tuition as to said board shall seem reasonable, any thing in the act to which this is supplementary to the contrary notwithstanding.

Board may fix tuition fees of certain pupils in N. school

Approved March 31, 1849.

[No. 179.]

AN ACT to incorporate the Phoenix Copper Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Joseph W. Ward, Richard Pitts and Benjamin Graves and others who shall become associated with them, are hereby constituted a body corporate by the name of "the Phoenix copper company," for the purpose of mining, smelting and manufacturing ores, minerals and metals, and business connected therewith in the state of Michigan.

Incorporation.

Sec. 2. The said company shall have corporate succession, and its capital stock shall not exceed three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the state of Michigan as the business of said company may require, to an amount not exceeding the above named capital stock of said company.

Capital, shares and real estate of company.

Sec. 3. The officers of said company shall consist of a president, a board of five directors including the president, who shall be one thereof, a secretary and treasurer, who may however, at the pleasure of the company, be one and the same person; and the company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe: *Provided*, That one of the said directors shall at all times be a citizen and resident of the

Officers of Co., assessment on shares, &c.

Service of
process on
company.

state of Michigan, upon whom service of all process against said company may be made, and such service shall be deemed a valid service on the said Phoenix copper company.

State tax &
annual re-
port.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company; which tax shall be paid on the first Monday of July in each year, and shall be estimated upon the last preceding report of said company, and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days thereafter, make under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company; and said state tax shall be in lieu of all other taxes upon all the personal property of said company, and in lieu of all state tax upon the real estate of said company; and any investment of any portion of the net profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the state treasurer accordingly.

Amendment
repeal, &c.

Sec. 5. The legislature may, at any time, alter, amend or repeal this act.

1st meeting.

Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting, and all subsequent meetings of the stockholders and directors shall be held at such times and places as they by their by-laws may direct.

General pro-
visions.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five, title ten, of the revised statutes of A. D. eighteen hundred and forty-six, so far as the same are applicable, and not inconsistent with the provisions of this act.

Lien of in-
habitants of
this state.

Sec. 8. The inhabitants of this state shall have a lien upon the stock, appurtenances and entire stock of said company, for all claims and demands not exceeding one hundred dollars each, against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages, against said company.

Sec. 8. The said company shall, within six months after the first meeting of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the State of Michigan, and file in the office of the secretary of the State a certificate specifying the place of such location.

9. This act shall take effect from and after its passage, and duration of two years for this act shall be contained in any bill.

431, 1846

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ed; and presenting such other matter as the society may judge most useful in promoting a greater and more general progress in practical agriculture.

Sec. 4. This act shall take effect immediately.

Approved March 31, 1849.

[No. 181.]

AN ACT to repeal the sixteenth section of "an act to amend the Revised Statutes of eighteen hundred and forty-six," approved April 3d, eighteen hundred and forty-eight.

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section sixteen of "an act to amend the revised statutes of eighteen hundred and forty-six," approved April third, eighteen hundred and forty-eight, be and the same is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 182.]

AN ACT to incorporate the Galesburgh and Grand Rapids Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That David Ford, Sylvester W. Mills, Elnathan Judson, William Lewis and Chauncey W. Calkins, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Galesburgh and Grand Rapids plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby created a body corporate and politic by the name and style of the Galesburgh and Grand Rapids plank road company.

Route of
road.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Galesburgh, in the county of Kalamazoo,

mazoo, on the most eligible route to the village of Grand Rapids, in the county of Kent.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, with a corresponding increase of the number of shares. Capital.

Sec. 4. This act shall be and remain in force for the term of fifty years from and after its passage, but the legislature may at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: provided there be no violation of the charter of said company. Duration of charter—its amendment, repeal, &c.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved March 31, 1849.

[No. 183.]

AN ACT to enlarge the powers and increase the number of officers in school districts in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section ninety-two of chapter fifty-eight of the revised statutes, relating to primary schools, be amended by adding thereto the following provisions: Sec 92 chap 58 R S amended.

"1. In districts containing more than one hundred scholars between the ages of four and eighteen years, the district board may be enlarged by adding thereto four trustees: *Provided*, The district determine to do so, by a two-third vote, at any annual meeting.

2. The additional trustees first elected, shall serve severally, one, two, three and four years, to be determined by lot, immediately on

filing their certificate of acceptance with the director. After the first election, each trustee elected shall serve four years.

3. All vacancies that may occur in the office of trustee shall be filled according to existing provisions for filling vacancies in the district board.

4. Rate bills shall be collected, and all moneys shall be drawn and applied according to existing provisions of law, but in the employment of teachers the director shall have the approval of the moderator or assessor according to provisions of law heretofore existing, and of at least two of the trustees; and the authority to classify pupils in such cases shall be transferred from the school inspectors to the enlarged district board.

5. The boundaries of districts that may avail themselves of the act shall not be enlarged without the written approval of a majority of the enlarged district board."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 184.]

AN ACT to repeal section two of an act to provide against the recovery of damages done by beasts on lands which are not enclosed by a lawful fence, approved March seventh, A. D., one thousand eighteen hundred and forty-seven.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of an act entitled "an act to provide against the recovery of damages done by beasts on lands which are not enclosed by a lawful fence, approved March seventeenth, A. D., one thousand eight hundred and forty-seven, be and the same is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 185.]

AN ACT to define and amend the eighth subdivision of section twenty-seven, of chapter one hundred and six of the Revised Statutes of one thousand eight hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the eighth subdivision of section twenty-seven of chapter one hundred and six of the revised statutes of one thousand eight hundred and forty six, be amended by adding to the end thereof the following: "The word team in this subdivision shall be construed to mean, either one yoke of oxen, a horse, or a pair of horses, as the case may be." Sec 27 chap
106 R. S a-
mended

Sec. 2. The property exempted in the subdivision of which this act is amendatory, excepting mechanical tools and implements of husbandry, shall not be exempt from any execution issued upon a judgment rendered for the purchase money for the same property. Held.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 186.]

AN ACT to vacate the plat of the Village of the Lake, in the county of Washtenaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the plat of the Village of the Lake, in the county of Washtenaw, be and the same is hereby vacated. Village plat
vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 187.]

AN ACT to lay out a State Road in the County of Ottawa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George W. Walton, Lyman Williams, jr. and William M. Ferry, jr., be and they are Commissioner
to lay out a
certain state
road

hereby authorized to lay out and establish a state road beginning at the north bank of Grand river, on lot number three, upon section sixteen, town eight north of range sixteen west, to the south border of Muskegon lake, on section nineteen, town ten north of range sixteen west.

Power to
lay out state
road.

Sec. 2. That George W. Walton, John A. Brooks and Isaac D. Merrill, be, and they are hereby authorized to lay out and establish a state road from the forks of the Muskegon river, in the county of Newaygo, to the head of Muskegon lake, in the county of Ottawa, to be terminated on section nineteen, town ten north of range sixteen west.

Duties of
said com'rs
and of cer-
tain town-
ship clerks.

Sec. 3. The above commissioners shall file so much of the survey of the above mentioned roads in the office of the township clerk of each township through which the said roads shall pass as shall be laid out in such township, and it shall be the duty of the several township clerks to record the same in their respective township books, and post the notice required by law: *Provided*, The decision of the said commissioners in regard to laying of said roads may be appealed from as in case of the laying out of roads by the highway commissioners of the several townships.

Duties of
highway
comm'rs.

Sec. 4. That it shall be the duty of the commissioners of highways in the several townships through which said roads may pass, to open and work said roads in the same manner and by virtue of the same laws as township roads are required to be opened and worked.

State not
liable for
any dama-
ges or ex-
penses of the
road

Sec. 5. The state shall not be liable for any expense incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 188.]

AN ACT to provide for laying out a State Road from Ohio, north to the village of Hudson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Franklin Goodell, T. C. Sawyer and E. R. Parmelee, be, and they are hereby authorized and appointed commissioners to lay out and establish a state road from the state line between the states of Ohio and Michigan, commencing at a point where the county line between the counties of Lenawee and Hillsdale intersects the said state line, thence in a northerly direction on or near said county line to the village of Hudson, in the county of Lenawee. Comm'rs to lay out state road.

Sec. 2. The above named commissioners shall file so much of a survey or description of the said road in the office of the township clerk of each township through which the said road shall pass, as shall be laid out in such township; and it shall be the duty of the several township clerks to record the same in their respective township books, and when the same shall be so recorded the said road shall be deemed to be laid out and established. Duties of said comm'rs and of certain town clerks.

Sec. 3. It shall be the duty of each township clerk aforesaid to notify the supervisor of each township through which the said road shall pass of the fact contained in the record; said notice shall be given within ten days from the time the survey or description of the road shall be so forwarded to the clerks aforesaid. Duty of town clerk to notify supervisor, &c.

Sec. 4. It shall be the duty of the supervisor of each township, when the tax roll for the township shall next be made out for the said township, to assess the land opposite and adjoining said road, in his township, one mile from the county line, east or west, as the case may be, and land north of said village eighty rods, at the rate of five mills on the dollar; and said tax shall be collected in the same manner as township, county and state taxes are, and be subject to the same laws, in all respects. The lands assessed and returned as non-resident lands; shall be subject to sale in the same manner, and shall not for the purposes of collection, return or sale, be separated in any manner from the township, county and state tax. Duty of supervisor to assess certain taxes.

Sec. 5. The tax so collected shall be paid over by the collector of each township to one of the said commissioners, upon an order Appropriation and expenditure of proceeds of tax.

signed by a majority of the said commissioners, at any time after the same has been collected. And the said commissioners shall have power, and it shall be their duty to employ hands to work on said road, or to let the work out upon contract in such jobs, at such times and in such manner as the commissioners, or a majority of them, may direct.

Compensation of commissioners.

Sec. 6. The said commissioners shall receive out of the said money so paid in, the sum of two dollars per day for each full day, and shall pay out of the money so collected the fees for recording the said survey or description required by this act.

Tax to be continued for 3 years.

Sec. 7. The said tax shall be levied and collected and disposed of as aforesaid for the term of three years, and in case of death, removal, sickness, or for any other cause, one or more of said com-

Vacancy in office of commissioner.

missioners shall be unable, or shall refuse or neglect to act, the commissioner or commissioners remaining shall have full power to supply by appointment other commissioners to fill the said vacancies that may occur; and in case any such appointments shall be made, the fact shall be certified and filed in the said offices as aforesaid.

Neglect of commissioner to discharge duties, a misdemeanor, &c.

Sec. 8. In case the acting commissioner or commissioners shall refuse to use the said money or pay the same out for the purposes contemplated in this act, they shall be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding three months, or both, in the discretion of the court.

Duties of H. commissioners of Wright.

Sec. 9. The highway commissioners of the township of Wright, in the county of Hillsdale, may, at their discretion, apply the non-resident highway tax of said township on any road they may deem to be for the best interest of the inhabitants of said township.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 189.]

AN ACT relative to the admission of Attorneys, Solicitors and Counsellors.

Admission of attorneys &c., to the courts of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan* That any circuit court may grant to

any citizen of this state, of good moral character, and of the age of twenty-one years, a license to practice as an attorney and counselor at law, and solicitor and counsellor in chancery, upon an examination at any regular term of such court, in the presence of the circuit judge, in open court, when satisfied that the applicant possesses sufficient legal learning and ability to discharge the duties of such office.

Approved March 31, 1849.

[No. 190.]

AN ACT to authorize the Cotton Wood Swamp turnpike company, to lay out and construct a certain plank road and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Cotton Wood Swamp turnpike company are hereby authorized and empowered to lay out and construct a plank road, with all necessary buildings, on the north side of Ottawa lake, from the head thereof to the state line of Ohio. Plank road authorized.

Sec. 2. The said company are hereby authorized to appoint three commissioners to receive subscriptions to the capital stock of said company, which shall be twenty thousand dollars in addition to the present capital stock of said company, divided into eight hundred shares of twenty-five dollars each. Capital and subscription thereon.

Sec. 3. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time, alter amend or repeal this act, by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company, of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company on said plank road shall be made during its existence, unless the yearly net profits of said company on said plank road, over and above all expenses, shall exceed ten per cent. on the capital invested on said plank road, provided there be no violation of the provisions of this act. Duration of charter,—its amendment, repeal, &c.

General provisions.

Sec. 4. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty eight, shall be and are made a part of this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849

[No. 191.]

AN ACT to provide for laying out and establishing a certain state road, in the counties of Oakland and Genesee.

Com'm'rs to lay out certain state road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Eliem M. White, of Milford, David G. Servis, of Highland, and Oliver Palmer, of Attus, be, and are hereby appointed commissioners to lay out and establish a state road from the villages of Milford, in the county of Oakland, on the most eligible route through the township of Highland, then on the most direct and eligible route to Davidsonville, in the county of Genesee, and who shall cause the survey bill of the same to be filed for record in the office of the several township clerks of the townships, through which the same shall be laid out, on or before the first day of May next.

Appropriation of N. R. highway taxes.

Sec. 2. For the purpose of improving said road, there shall be appropriated all such of the non-resident highway taxes of the year eighteen hundred and forty-eight, and for five years thereafter, as may be collected upon any legal subdivision of land, an equal or the greater part of which shall be within the two lines running parallel with said road two miles each way from the centre of said road in the townships through which it may be laid out, except in the county of Genesee, and excepting also such pieces of land, the taxes whereof have been appropriated for the improvement of the Pontiac and Grand river road.

Special commissioner to be appointed—his powers, &c.

Sec. 3. A special commissioner shall be appointed by the governor, who in expending all moneys which may become subject to his control by the provisions of this act, shall be governed by the same laws as far as they are applicable, as are now or may hereafter be

Sec. 4. It shall be the duty of said special commissioner before entering upon the duties of his office, to take and subscribe an oath Oath & bond of comm'r. to faithfully perform said duties, and also to file in the office of the county treasurer of Oakland county, a bond in the penal sum of one thousand dollars, with two or more good and sufficient sureties to be approved by said treasurer, for the faithful discharge of the duties imposed upon him by virtue of this act, and in default thereof, it shall be the duty of said county treasurer to prosecute the same, in the manner prescribed by law for the prosecution of bonds against county officers.

Sec. 5. It shall be the duty of said special commissioner, on or before the first day of June next, to make out a list of non-resident lands coming under the provisions of this act, and deliver the same to the county treasurer, who shall thereupon open an account with the Milford and David-onville state road fund, and credit to said fund all moneys which may be in his hands, or may hereafter be paid into his office, for non-resident highway taxes upon any of the lands described in said list, and charge said fund with all moneys drawn by said special commissioner. Duty of commissioner in making lists of lands, &c.

Sec. 6. It shall further be the duty of said special commissioner, to issue his certificate to any person who may be entitled to the same in payment for labor performed, or materials furnished for the improvement of said road, stating the facts as they exist, and draw his warrant thereon for the amount due said person, upon the county treasurer, who shall pay the same from any moneys in his hands standing to the credit of said state road fund. Payment of contractors and others.

Sec. 7. The said special commissioner shall be entitled to receive as compensation for any services rendered in discharge of the duties imposed upon him by this act, the sum of one dollar and fifty cents per day for the time employed in carrying out the provisions, and his accounts for such time, verified by his oath, shall be audited by the boards of supervisors of the county of Oakland, and shall be paid from any moneys standing to the credit of said fund. Compensation of commissioner.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

AN ACT appropriating certain non-resident highway taxes for the improvement of the Pontiac and Grand River road.

Certain tax-
es appropri-
ated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of improving that part of the Pontiac and Grand river road which lies within the county of Oakland, there shall be appropriated all of the non-resident highway taxes for the year eighteen hundred and forty-eight, and for five years thereafter, within said county, two miles each way from the center of said road: *Provided*, That if any lot or description, not exceeding eighty acres of land, (owned by non-residents as aforesaid) shall be partially embraced within said limits and extend beyond said two miles, such highway taxes upon said description shall be deemed appropriated as aforesaid.

Special
commissioner—
his appoint-
ment, pow-
ers, &c.

Sec 2. A special commissioner shall be appointed by the governor, who, in expending all moneys which may be subject to his control by virtue of the provisions of this act, shall be governed by the same laws, as far they are applicable, as are now or may hereafter be in operation for the government of township highway commissioners.

Comm'r to
file oath and
bond.

Sec. 3. Said special commissioner shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully perform the same, and also file in the office of the county treasurer of said county a bond to such treasurer, his successors in office, in the penal sum of one thousand dollars, with two or more good and sufficient sureties to be approved by said treasurer, for the faithful discharge of the duties imposed upon him by virtue of this act, which bond, in case of a violation thereof, shall be prosecuted by said treasurer in the manner prescribed by law for the prosecution of bonds against county officers.

List of
lands to be
made out &
filed by com-
missioner.

Sec. 4. It shall be the duty of such special commissioner, on or before the first day of June next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the county treasurer of said county, who shall thereupon open an account with the Pontiac and Grand river road fund, and credit to said fund all moneys which may be in his hands, or may be hereafter paid into his office for non-resident highway taxes upon

any of the lands described in said list, and charge said fund with all moneys drawn by said special commissioner.

Sec. 5. It shall further be the duty of said special commissioner to give his certificate of the amount due to any person who may be entitled to the same in payment for labor performed or materials furnished for the improvement of said road and upon the presentation thereof, the county treasurer shall pay the same from any moneys standing to the credit of said fund. Payment of contractors, &c.

Sec. 6. The said special commissioner shall be entitled to receive as compensation for any services rendered in discharge of the duties imposed upon him by this act, the sum of one dollar and fifty cents per day for the time employed in carrying out the provisions thereof, and his accounts for such time, verified by his oath, shall be audited by the board of supervisor of said county, and shall be paid by the county treasurer from any money standing to the credit of said fund. Compensation of commissioner.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 193.]

AN ACT in relation to school district number six, in the township of Barry, in the county of Barry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the sum of sixty dollars voted to be raised in school district number six, in the township of Barry, in the county of Barry, on the thirteenth day of September, eighteen hundred and forty-eight, for the purpose of building a school house in said district, shall be binding and valid, in all respects, for the purposes for which it was intended. Vote for certain tax legalized.

Sec. 2. That the inhabitants of said district who shall not at the time this act takes effect have paid their rateable proportions of said tax so raised, shall pay the same to the township treasurer during the time now allowed by law for collecting the taxes for the year 1849, which proportions shall be certified by the clerk of said township previous to the first day of October next, to the supervisor of said township and by the supervisor assessed upon the taxable prop- Assessment of such tax by township officers.

erty of the said inhabitants in the same manner as they are now required by law in raising money for building school houses.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 194.]

AN ACT to enable the Executors or administrators of the estate of James B. Clarke, deceased, to sell certain land.

Executors or
administrators
of J. B.
Clarke au-
thorized to
convey cer-
tain lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the executors or administrators of the estate of James B. Clarke, formerly of Elizabethtown, in the state of New Jersey, deceased, be and they are hereby authorized and empowered to sell at private or public sale "the east half of the north east quarter of section one, in township eight south, of range sixteen west, in the county of Cass, containing eighty acres," and to give to the purchaser or purchasers thereof a good and sufficient deed: *Provided*, Any such sale or conveyance shall be approved by the judge of probate of said county of Cass, and his said approval shall be endorsed on said conveyance and recorded therewith.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 195.]

AN ACT to amend chapter 123 of the Revised Statutes of eighteen hundred and forty six.

Chap. 123 of
R. S. amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That on the trial of any cause under the provisions of chapter one hundred and twenty-three of the revised statutes of 1846, it shall be competent for the jury or officer before whom such trial may be had, to find the defendant guilty of forcibly or unlawfully holding over or detaining the premises described in the complaint, or any part thereof, and judgment may thereupon be rendered in accordance with such finding.

Sec. 2. In the counties of Chippewa, Houghton and Mackinac, appeals under the provisions of said chapter one hundred and twenty-three shall be taken to the county court for such counties respectively.

Appeals in forcible entry and detainer cases.

1871

Approved March 31, 1849.

[No. 196.]

AN ACT to revive and continue in force, an act entitled "An act to incorporate the Peninsular Mutual Fire and Marine Insurance company," approved March 12, 1844, under the name and style of the "Detroit Fire and Marine Insurance Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to incorporate the Peninsular mutual fire and marine insurance company," approved March 12, 1844, be, and the same is hereby revived and continued in force, as hereinafter amended.

Sec. 2. That the title of said act shall be amended by striking out the words "Peninsular mutual," and inserting the word "Detroit," in lieu thereof, so that the title to said act as amended, shall read as follows: "an act to incorporate the Detroit fire and marine insurance company."

Sec. 3. That section one of said act shall be amended by striking out the words "Peninsular mutual," in said section, and inserting the word "Detroit," in lieu thereof.

Sec. 4. That section six of said act be amended by striking out in the third and fourth lines the words "Benjamin B. Kercheval, Elon Farnsworth, Douglass Houghton, Lansing B. Mizner, and Wesley Truesdail," and inserting "Charles Howard, Henry Ledyard, Charles C. Trowbridge, Z. Chandler, Frederick Buhl, John Owen and Shubael Conant," in lieu thereof.

Sec. 5. That section eighteen of said act be amended by adding thereto the following, "or in the bonds of the Michigan central rail road company."

Sec. 6. That section twenty-four of said act be amended by striking out of the first line of said section the word "twenty," and inserting the word "forty" in lieu thereof.

Sec. 7. That the period for the organization of said company be and the same is hereby extended to thirty days from the passage of this act.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 31, 1949.

[No. 197.]

AN ACT in aid of the Michigan State Agricultural Society.

Section 1 *Be it enacted by the Senate and House of Represent-*

Appropriation of \$100,000 per annum to state agricultural society on certain conditions.

Duties of officers of society conferring prize, &c.

of the increase in value of the animal, with a view of showing accurately the resulting profit.

Sec. 3. This act shall take effect immediately.

Approved March 31, 1849.

[No. 198.]

AN ACT to create a road fund for the benefit of the German Colonists in Saginaw county, and to authorize the appointment of Commissioners to expend the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of improving the road leading from Lower Saginaw, in Saginaw county, by way of Frankenlust on the Squaquaning creek, to Saginaw City, thence by way of Frankenvrost to Frankenmut, in Saginaw county, there is hereby appropriated to be expended, as hereinafter provided, the unexpended highway tax which was assessed for the year eighteen hundred and forty eight, and all the highway tax which may be assessed for the present year, and for the three next succeeding years, upon the lands owned by non-residents upon the line of said road, within a distance of two miles each way from the centre thereof: *Provided*, That if any lot or description not exceeding eighty acres of land (owned by non-residents as aforesaid,) shall be partially embraced within said limits, and extend beyond said two miles, the highway tax upon said description shall be deemed appropriated as aforesaid.

Certain M
R highway
taxes appro-
priated on
certain
roads.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor is hereby authorized to appoint two special commissioners, one for so much of said road as leads from Lower Saginaw, by way of Frankenlust to Saginaw city, and one for so much of said road as leads from Saginaw city, by way of Frankenvrost to Frankenmut, and said special commissioners, in expending the moneys that may be subject to their control by the provisions of this act, shall be governed by the laws, so far as the same may be applicable, which are now or may hereafter be in operation for the government of township highway commissioners: and each of said special commissioners, before entering upon the duties of his office, shall take and subscribe an oath to faithfully perform the du-

Special
commissioners—
their duties,
&c.

ties herein assigned him, and file the same in the office of the county clerk of his county.

List of the
non-resident
lands to be
made by
commissioners.

Sec. 3. It shall be the duty of each of said special commissioners, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, upon the line of that portion of the road for which he was appointed, and deliver the same to the treasurer of said county, who shall thereupon open an account with the German colony road fund, and credit to said fund all moneys then in his hands or which may thereafter be paid into his office as non-resident highway taxes upon any of the lands described in said lists, and which are within the purpose of this act, and shall charge said fund with all moneys which may be drawn from it by the special commissioner, in pursuance of the provisions of the next section of this act.

Payment of
contractors,
&c.

Sec. 4. It shall be the duty of each of said special commissioners, in payment for any labor performed or materials furnished in the improvement of said road under his direction, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon (for the amount due such person) upon the German colony road fund, and it shall be the duty of the county treasurer of that county to pay the same out of any moneys belonging to that portion of said fund which is derived from the taxes which come under the provisions of this act, upon the line of that portion of the road under that special commissioner's separate charge.

Compensation of
commissioners.

Sec. 5. Each of said special commissioners shall be entitled to receive a sum not exceeding one dollar per day for the time actually employed by him, in discharging the duties which this act imposes upon him, and his account for the same verified by his oath, shall be audited by the board of supervisors of Saginaw county, and shall be paid out of any moneys belonging to his portion of the German colony road fund in the treasury of that county.

Vacancies.

Sec. 6. In case of the death, resignation or refusal to serve, of any commissioner appointed under this act, the governor is authorized to appoint another, whose duties and obligations shall be the same as if originally appointed.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 199.]

AN ACT for the relief of David A. Wright and James M. Tefit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the circuit court for the county of Oakland, shall have power to decree a divorce from the bonds of matrimony in the case of David A. Wright, a citizen of this state and a resident of the county of Oakland, under the provisions of chapter eighty-four of the revised statutes of eighteen hundred and forty-six, whenever it shall be made to appear to said court, that Mary D. Wright, the wife of the said David A. Wright, since her marriage, has become incurably and hopelessly insane.

C. court of Oakland authorized to grant divorces in cert'n case of insanity.

Sec. 2. The petition, or bill of divorce exhibited on the part of the said David A. Wright, to the said circuit court, under the provisions of this act, shall set forth the full amount and value of his property, both real and personal, and proof shall be made thereon before the master to whom the same may be referred; and the court upon the final hearing of the said cause may make such order and decree concerning the future support and maintenance of the said Mary D., as shall seem just and equitable, and decree a divorce from the said bonds of matrimony, providing it shall be made to appear that the said Mary D. has been insane for the last eight consecutive years immediately preceding such application.

Petitioner to set forth amount of property & court to award suitable maintenance therefrom to his wife.

Sec. 3. The circuit court for the county of St. Joseph is hereby authorized to grant a divorce from the bonds of matrimony, to James M. Tefit, from his wife Sally Tefit, under the provisions of chapter eighty-four of the revised statutes of eighteen hundred and forty-six: *Provided*, It shall be made to appear satisfactorily to said court, that said Sally Tefit has been for the term of five years next preceding the time of filing the petition or bill, and still is, hopelessly and incurably insane.

C. court of St. Joseph authorized to grant divorce in certain case of insanity.

Sec. 4. The bill or petition filed under the provisions of the preceding section shall set forth the full amount and value of the property, real and personal, of the petitioner, and he shall make proof hereof before the master to whom the same may be referred, and the court, upon the final hearing of the cause, may make such order and decree concerning the future support and maintenance of the said Sally Tefit, as shall seem just and equitable.

Petitioner to set forth amount of his property and court to award maintenance of wife therefrom.

ties herein assigned him, and file the same in the office of the county clerk of his county.

List of the
non-resident
lands to be
made by
comm'r's.

Sec. 3. It shall be the duty of each of said special commissioners, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, upon the line of that portion of the road for which he was appointed, and deliver the same to the treasurer of said county, who shall thereupon open an account with the German colony road fund, and credit to said fund all moneys then in his hands or which may thereafter be paid into his office as non-resident highway taxes upon any of the lands described in said lists, and which are within the purpose of this act, and shall charge said fund with all moneys which may be drawn from it by the special commissioner, in pursuance of the provisions of the next section of this act.

Payment of
contractors,
&c.

Sec. 4. It shall be the duty of each of said special commissioners, in payment for any labor performed or materials furnished in the improvement of said road under his direction, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon (for the amount due such person) upon the German colony road fund, and it shall be the duty of the county treasurer of that county to pay the same out of any moneys belonging to that portion of said fund which is derived from the taxes which come under the provisions of this act, upon the line of that portion of the road under that special commissioner's separate charge.

Compensation of
commissioners.

Sec. 5. Each of said special commissioners shall be entitled to receive a sum not exceeding one dollar per day for the time actually employed by him, in discharging the duties which this act imposes upon him, and his account for the same verified by his oath, shall be audited by the board of supervisors of Saginaw county, and shall be paid out of any moneys belonging to his portion of the German colony road fund in the treasury of that county.

Vacancies.

Sec. 6. In case of the death, resignation or refusal to serve, of any commissioner appointed under this act, the governor is authorized to appoint another, whose duties and obligations shall be the same as if originally appointed.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 21, 1849.

[No. 202.]

AN ACT to authorize Mary Ann Miller to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Mary Ann Miller of the township of Atlas in the county of Genesee, be and she is hereby authorized to sell and convey certain lands contracted for, during the life time of her husband, in the county of Genesee: *Provided*, It shall be made to appear to the satisfaction of the judge of probate for the county aforesaid that the contract so made is a valid one, and that said conveyance when made is just and legal.

M. A. Miller
authorized
to convey
real estate.

Provide.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 203.]

AN ACT to improve the navigation of the St. Joseph river, and to incorporate the Niles Hydraulic and Manufacturing Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James L. Glen, R. C. Paine and Wm. H. McCourter, with such other persons as shall associate with them, shall be and they are hereby created a body politic and corporate, by the name of the "Niles hydraulic and manufacturing company."

Incorporation.

Sec. 2. The capital stock of said company, shall be thirty thousand dollars in shares of twenty-five dollars each, which shall be considered personal property, and transferable according to the by-laws of the company.

Capital.

Sec. 3. The business and concerns of said company shall be managed by five directors, one of whom shall be chosen president, and all shall be stockholders in said company; they shall be elected annually on the first Monday of May, by the stockholders in person or by proxy, and each share of stock shall be entitled to one vote, and vacancies in the direction may be filled for the remainder of the year by the residue of the directors.

Officers of
company.

Sec. 4. At least twenty days notice of the time and place of holding the election shall be given, by publication in one or more

Election
notice
thereof.

General provisions.

Sec. 4. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty eight, shall be and are made a part of this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849

[No. 191.]

AN ACT to provide for laying out and establishing a certain state road, in the counties of Oakland and Genesee.

Commiss'rs to lay out certain state road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Eliem M. White, of Milford, David G. Servis, of Highland, and Oliver Palmer, of Atlas, be, and are hereby appointed commissioners to lay out and establish a state road from the villages of Milford, in the county of Oakland, on the most eligible route through the township of Highland, then on the most direct and eligible route to Davidsonville, in the county of Genesee, and who shall cause the survey bill of the same to be filed for record in the office of the several township clerks of the townships, through which the same shall be laid out, on or before the first day of May next.

Appropriation of N. R. highway taxes.

Sec. 2. For the purpose of improving said road, there shall be appropriated all such of the non-resident highway taxes of the year eighteen hundred and forty-eight, and for five years thereafter, as may be collected upon any legal subdivision of land, an equal or the greater part of which shall be within the two lines running parallel with said road two miles each way from the centre of said road in the townships through which it may be laid out, except in the county of Genesee, and excepting also such pieces of land, the taxes whereof have been appropriated for the improvement of the Pontiac and Grand river road.

Special commissioner to be appointed—his powers, &c.

Sec. 3. A special commissioner shall be appointed by the governor, who in expending all moneys which may become subject to his control by the provisions of this act, shall be governed by the same laws as far as they are applicable, as are now or may hereafter be

LAWS OF MICHIGAN.

necessary delay, all such boats and other craft, free of expense to the owners thereof. It shall be the duty of the owners of said dam at all times to keep said lock in repair and to pass any water craft through the said lock free of toll and without unnecessary delay; and any person who shall be so detained, shall be entitled to recover of the said owners the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with the costs of suit.

Sec. 9. The corporation shall have power to purchase, take and hold by gift, grant or otherwise, a sufficient quantity of real estate not exceeding ten thousand dollars in cost, as may be deemed necessary for the convenient and necessary use of the water power created by the erection of said dam, and may sell, lease or otherwise dispose of the water, or may, at their option, employ the whole in manufacturing purposes for the benefit of the corporation; and the whole of the water power so created, and the right to use the same, shall forever be vested in and become the property of the company.

Sec. 10. The said directors shall have power to contract with the owner or owners of any land which may be flowed by reason of the erection of said dam, and to pay such owner or owners the damages they may sustain by reason thereof, and in case of disagreement between the directors and any such owners of lands, the said damages shall be ascertained as follows: the parties shall each choose some disinterested person, who shall be a freeholder, and the persons so chosen, shall select a third, who shall also be a freeholder, who shall be sworn fairly and impartially to appraise the same. If a majority of the appraisers cannot agree, or if any person shall neglect or refuse to join in such appointment within twenty days after requisition made upon him for such purpose, or if the owner of the land shall be a married woman, under age, insane or out of the state, or if the appraisers chosen as aforesaid, or a majority of them, shall not within twenty days after receiving notice of their appointment, file a report of their estimate with the clerk of the county, then, and in either of these cases, either of the parties may apply to the county court of said county.

Sec. 11. On such application, the said court shall award a venire, directed to the sheriff, requiring him to summon a jury of twelve

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any of the lands described in said list, and charge said fund with all moneys drawn by said special commissioner.

Sec. 5. It shall further be the duty of said special commissioner Payment of contractors, &c. to give his certificate of the amount due to any person who may be entitled to the same in payment for labor performed or materials furnished for the improvement of said road and upon the presentation thereof, the county treasurer shall pay the same from any moneys standing to the credit of said fund.

Sec. 6. The said special commissioner shall be entitled to receive as compensation for any services rendered in discharge of Compensation of commissioner. the duties imposed upon him by this act, the sum of one dollar and fifty cents per day for the time employed in carrying out the provisions thereof, and his accounts for such time, verified by his oath, shall be audited by the board of supervisor of said county, and shall be paid by the county treasurer from any money standing to the credit of said fund.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 193.]

AN ACT in relation to school district number six, in the township of Barry, in the county of Barry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the sum of sixty dollars voted to be raised in school district number six, in the township of Barry, in the county of Barry, on the thirteenth day of September, eighteen hundred and forty-eight, for the purpose of building a school house in said district, shall be binding and valid, in all respects, for the purposes for which it was intended. Vote for certain tax legalized.

Sec. 2. That the inhabitants of said district who shall not at the time this act takes effect have paid their rateable proportions of said sum so raised, shall pay the same to the township treasurer during the time now allowed by law for collecting the taxes for the year 1849, which proportions shall be certified by the clerk of said township previous to the first day of October next, to the supervisor of said township and by the supervisor assessed upon the taxable prop- Assessment of such tax by township officers.

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stocks to pay the holders of its notes, the directors and stockholders shall be individually liable. The treasurer shall pay the full amount of notes or bills out of any money he may receive, whether from the sale of stocks or other assets of said bank, or from the receiver or receivers, and for any deficiency to redeem such notes or bills from the sale of said stocks, the receiver or receivers shall prosecute and collect the same of the stockholders upon their individual liability.

Sec. 8. Said corporation may acquire and hold such real estate as may be necessary for its office or banking-house, not exceeding in value twenty thousand dollars, but shall acquire and hold no other real estate, unless it shall acquire the same by bona fide mortgage as security for money loaned by said corporation, or by conveyance in payment and satisfaction in whole or in part of debts to said corporation previously contracted in the regular course of its dealings, or unless said corporation, shall purchase the same under judgment or decrees either rendered in favor of said corporation, or which have become its property in the course of the collection of its debts.

Real estate of bank.

Sec. 9. Semi-annual dividends shall be made of so much of the profits of the bank as the board of directors shall deem expedient, on the first Mondays of August and February, respectively in each year.

Dividends.

Sec. 10. Said corporation shall be subject to all the provisions of chapter fifty-five, title ten of the revised statutes of A. D. eighteen hundred and forty-six so far as the same are applicable and not inconsistent with this act.

General provisions.

Sec. 11. The stocks deposited with the state treasurer for the security of the circulating notes by him countersigned and delivered to said bank, shall be held by him, exclusively for that purpose, until such notes are redeemed, except as herein otherwise provided. The bills or notes so countersigned, shall have stamped or printed on them the words, "secured by the pledge of stocks," and shall be thus countersigned and delivered to the amount to which said bank has entitled itself, on the written order of the president and cashier. The bank shall be entitled to receive the interest or dividend on all stocks deposited, under the provisions of this act, unless they fail to redeem the circulating notes: *Provided, however, That*

Bills to be countersig'd by state treasurer.

Bank to receive dividends on stocks pledged in certain cases.

whenever the price of any of the stocks pledged for the security or redemption of the circulating notes of said bank, shall be at the stock exchange, in the city of New York for four consecutive weeks, at a price or rate less than the value at which such stock shall have been estimated when deposited, the treasurer shall receive and retain the interest or dividend on the stock pledged, until the interest so received, when added to the market value of the stocks so deposited, to be ascertained as in this section before provided, will be equal to the amount for which such stocks were deposited; or immediately give notice thereof to the president or cashier of said bank, who shall forthwith return to said treasurer an amount of circulating notes so countersigned, equal to the depreciation of said stocks.

Annual examination of bank by state treasurer

Proceedings in case of insolvency.

Duty of receivers.

Sec. 12. It shall be the duty of said treasurer to examine into the affairs and condition of said bank at least once in each year, and oftener if he should see fit; and for that purpose he shall have power to examine the books, papers and personal property of said bank, to administer all necessary oaths to the directors, officers, clerks or agents of said bank, and to examine them under oath in relation to the affairs and condition thereof; if the treasurer, auditor general and secretary of state, or a majority of them should decide at any time that said bank was insolvent, either upon the examination of the treasurer or upon satisfactory evidence to them that said bank has refused to pay any of its circulating notes when lawfully demanded, in gold or silver coin, they shall forthwith appoint a receiver or receivers, and require of him or them such bonds and securities as they shall deem proper, who shall proceed to take possession of the books, records, and assets of every description of said bank, collect all debts, dues and other claims belonging to said bank, settle and compound for all bad and doubtful debts, sell all the real and personal property of said bank, prosecute the stockholders of said bank, in all cases where they are personally liable, and to pay over all moneys so made to the state treasurer. Said receiver or receivers shall receive such compensation as the state treasurer, auditor general and secretary of state, or a majority of them shall determine which the state treasurer shall pay out of any money paid

urer shall cause notice to be given by advertisement, in one paper published in the village of Ann Arbor, and also in the state paper, for six consecutive months, calling on all persons who have claims against said bank, to make legal proof; and after the end of one year after the first publication of such notice, the treasurer, after full provisions shall have been made for redeeming the circulating notes of said bank, shall make a rateable dividend of the moneys so paid over to him by such receiver or receivers on all such claims as may have been proved, and from time to time as the proceeds of the assets of said bank shall be paid over to him the said treasurer shall make further dividends as aforesaid on all claims proved: and the remainder, if anything, shall be paid over to the stockholders of said bank, or their legal representatives, in proportion to the stock by them severally held. The auditor general, secretary of state, and state treasurer, or a majority of them may at any time, upon evidence satisfactory to them, vacate the appointment of any receiver or receivers, and appoint others, or they may reinstate said bank in the possession of any and all assets that may have been in possession or charge of said receiver or receivers: and any of the justices of the supreme court are hereby authorized, summarily, to make any order or issue any process which a court of chancery might make or issue to enable the said officers to carry out the provisions of this act, and said bank is hereby required, on the demand of said treasurer, to submit to a full examination on the part of said treasurer and any refusal to submit to said examination, shall operate and be construed as a forfeiture of its charter.

Duties of state treasurer in redemption of notes, &c.

Vacation of appointment of receivers, &c.

Sec. 13. The said bank shall pay the state treasurer on or before the second Monday of January, eighteen hundred and fifty, and on or before the second Monday of January in each year thereafter, during its corporate existence, one per cent. on its capital stock, which shall be in lieu of all other taxes: *Provided*, That the value of real estate, as assessed by the proper township officer or estimated by the state treasurer, which may be owned in fee by said bank, shall be deducted from said capital stock, for the purpose of taxation, and all real estate owned by said bank shall be taxed as other property in the several townships, cities and villages, where the same may be situated.

Annual report & state tax.

Sec. 14. No more than seven per cent. per annum, in advance,

Rate of dis-
count on
loans.

shall be taken for any loan or discount, under any pretence whatever by said bank, and said bank shall not at any time issue or put in circulation any note, draft, bill of exchange, acceptance, certificates of deposits or other evidence of debt, which from its character or appearance shall be calculated or intended to circulate as money, of its own emission, other than such notes or bills of circulation as are countersigned by this act provided, and which said bank are expressly authorized to issue for the purpose of being circulated as money.

Fraudulent
assignments,
&c.

All transfers of the notes, bonds, bills of exchange and other evidence of debt owing to said bank, or of deposits to its credit; all deeds of conveyance of real estate; all assignments of mortgages or other securities on real estate or of judgments or decrees in its favor; all sales, assignments or other disposition of any personal property, or of any choses in action belonging to said bank; all deposits of money, bullion, or other valuable thing, for its use or for the use of any of its stockholders or creditors; all payments of money made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed in this act, or with a view to the preference of one creditor to another, shall be held utterly null and void.

Publication
of annual
statement
by state
treasurer.

Sec. 15. It shall be the duty of the state treasurer to cause to be published a statement of the affairs and condition of said bank, at least once in each year, as ascertained when he may visit and examine the same, and the expenses of such visitation, publication, selling of stocks, redeeming the bills or notes as provided in this act, and of the registering and countersigning of the bills as hereinbefore provided, shall be determined by the state treasurer and paid by said bank.

Sec. 16. The legislature may at any time, alter, amend or repeal this act.

Approved March 31, 1849.

[No. 205.]

AN ACT to amend Chapter 7, Title 2, of the Revised Statutes.

nineteen, twenty, twenty-one, twenty-two and twenty-three of chapter seven, title two of the revised statutes of 1846, be and the same are hereby repealed, and the following substituted to stand as a new section:

Sections 17, 18, 19, 20, 21, 22 & 23 of chapter 7 of R. S. repealed.

"Sec. 17. If from any county clerk, no such statement shall have been received by the secretary of state, on or before the Wednesday next after the third Monday of November, he shall call upon the governor and receive from him the statement from such county clerk, if the governor shall have received one. If from any county clerk, neither the governor nor the secretary of state shall have received such statement by the day last mentioned, the secretary of state shall forthwith send a special messenger to obtain such statements and certificates from such county clerk, and such clerk shall immediately on demand being made by such messenger at his office, make out and deliver to him the statements and certificates required."

New section substituted therefor.

Sec. 2. That section sixteen of said chapter be amended by striking out all after the word "state" in the sixth line thereof, so that said section shall read as follows:

Sec. 16 of chapter 7 of R. S. amended.

"Sec. 16. Each county clerk immediately after he shall receive from the board of county canvassers a statement of the votes given for electors of president and vice president, shall make out three copies thereof, and certify the same under his hand and seal of office to be true copies, and shall send by mail one to the governor and one to the secretary of state."

Section 16 as amended.

Approved March 31, 1849.

[No. 206.]

AN ACT to amend an act entitled an act to incorporate the Detroit and Utica Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time within which the commissioners named in the act to which this act is amendatory might open books for the subscription of the capital stock of said company, is hereby extended for the period of six months from and after the passage of this act, and said company shall be allowed two

Act amended.

years, from and after the passage of this act for the expenditure of ten per cent. of the capital stock of said company in the actual construction of this road.

Repeal

Sec. 2. All acts and parts of acts inconsistent herewith, are hereby repealed, so far as they apply to the act to which this act is amendatory; and this act shall take effect from and after its passage.

Approved March 31, 1849.

[No. 207.]

AN ACT to incorporate the Frederick and Utica Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles W. Chappel, James Cevil, jr. Porter Kibbee, Edward C. Gallop, Isaac Kelley and George Macumber, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Frederick and Utica plank road company; and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Frederick and Utica plank road company, with corporate succession.

Route of road

Sec. 2. Said company hereby created, shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Frederick, in the town of Clinton, to the village of Utica, in the county of Macomb, and said company may construct said road on the heel-path of so much of the Clinton and Kalamazoo canal, lying on the route of said road, as they may see fit.

Capital.

Sec. 3. The capital stock of said company shall be eight thousand dollars, divided into shares of twenty-five dollars each.

Duration of charter—its amendment, repeal, &c.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch

within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March 13, 1848, shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved March 30, 1849.

[No. 208.]

AN ACT to provide for laying out a state road from the township of Ingham, in the county of Ingham, to the village of Dexter, in Washtenaw county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William S. Mead, F. G. Rose and Richard Peterson, be and are hereby authorized and appointed commissioners to lay out and establish a state road, commencing at the termination of a state road from Okemos, to the township of Ingham, on the south line of section fifteen, eighty rods west of the south east corner of said section fifteen, in town two north of range one east, running thence south easterly on the most eligible route to William Tempkins house, thence through the townships of White Oak, Unadilla, by the way of Plainfield post office, to the village of Pinkney, and from thence to the village of Dexter, in Washtenaw county. Comm'rs to lay out certain state road.

Sec. 2. The above commissioners shall file so much of the survey of the above named road in the office of the township clerk of each township through which the said road shall pass, as shall be laid out in such township, and it shall be the duty of the several township clerks to record the same in their respective township books, and post the notice required by law. Duties of township clerk.

Sec. 3. That it shall be the duty of the commissioners of high-

Duty of certain highway commissioners.

ways of the several townships through which said road may pass, to open and work said road in the same manner and by virtue of the same law, as township roads are required to be opened and worked.

State not liable for expenses or damages.

Sec. 4. The state shall not be liable for any expense incurred, or damages sustained by reason of this act, and in case the road mentioned in the preceding section of this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 209.]

AN ACT to repeal an act entitled "an act to authorize the erection of a toll-gate and for keeping in repair the Detroit and Saginaw road and for other purposes."

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to authorize the erection of a toll-gate, and for keeping in repair the Detroit and Saginaw road, and for other purposes," approved March eighth, one thousand eight hundred and forty-three, be and the same is hereby repealed: *Provided*, That nothing in this act shall interfere with contracts entered into by the superintendent of said road during the year eighteen hundred and forty-eight.

Previous

Sec. 2. This act shall take effect and be in force from and after the first day of September next: *Provided*, The Detroit and Birmingham plank road company shall have completed five consecutive miles of plank road previous to the first of September aforesaid, then the superintendent of said Detroit and Saginaw road, shall sell and dispose to the best advantage all the tools and other property of said road, and apply the monies of the same as other monies collected, and make returns to the treasurer of Wayne county of his doings.

Approved March 31, 1849.

[No. 210.]

AN ACT to vacate a part of the corporate limits of the village of Grand Rapids, in the county of Kent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all that portion of the present corporate limits of the village of Grand Rapids, in the county of Kent, lying east of Bostwick's addition to the said village, and south of Fulton-street; and also, all that portion of said corporate limits of said village, lying east of the Dexter fraction, so called, be and the same is hereby vacated. Portion of plat of Grand Rapids vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 211.]

AN ACT to incorporate the Lake Michigan and Terre Coupee Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Hale E. Crosby, Erasmus N. Shead, John P. Johnson, Moses Chamberlain, Alvin Emery and Elkeanah Ryther, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Lake Michigan and Terre Coupee plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Lake Michigan and Terre Coupee plank road company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the state line, near the village of Terre Coupee, Indiana, to the village of New Buffalo, in the county of Berrien, or to some point on the Michigan central railroad. Route of road.

Sec. 3. The capital stock of said company shall be twenty-five thousand dollars, in shares of twenty-five dollars each. Capital.

Duration of
charter,—
amendment,
repeal, &c.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: provided there be no violation of the charter of said company.

General provisions.

Sec. 5. The provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made a part of this act: *Provided further*, That whenever said company shall have completed their road, or any four consecutive miles thereof, the directors thereof may erect toll-gates and exact tolls from persons travelling on their road, for so much as may be completed.

Sec. 6. This act shall take effect from and after its passage.
Approved March 31, 1849.

[No. 212.]

AN ACT to amend an act entitled "An act to incorporate the Jackson and Michigan Plank Road Company."

Act amended.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five of an act entitled "an act to incorporate the Jackson and Michigan plank road company," approved April third, one thousand eight hundred and forty-eight, be and the same is hereby amended by adding to said section, at the end thereof, the words "except so far as otherwise provided in this act."

Ibid.

Sec. 2. And that said act be further amended by adding after section six thereof, the provisions contained in the following section, numbered three:

Sec. 3. The board of directors of said company are hereby au-

ton road," the state road leading from Jackson, in the county of Jackson, to Lansing, in the county of Ingham, by way of Mason; and the state road leading from Eaton Rapids, in the county of Eaton, to Lansing, as they may deem necessary, and to construct and maintain thereon, a plank road: *Provided however*, That during the construction of said plank road, the said company shall in no wise improperly obstruct the usual track on said road, or so much thereof as may be taken possession of as aforesaid.

Sec. 4. This act shall take effect whenever the said company shall file their acceptance of the same in writing, signed by the president of said company, under its corporate seal, in the office of the secretary of state: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Acceptance
of amended
act by Co.

Approved, March 31, 1849.

[No. 213.]

AN ACT to authorize the Michigan Southern Rail Road Company to repair their road with heavy rails, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Michigan southern rail-road company may be and they are hereby permitted to repair any portion of said road with a heavy T or H rail, and build and lay that portion west of Hillsdale with a T or H rail.

Mich. S. R.
R. company
authorized
to lay down
heavy rail.

Sec. 2. That the time for completing the road to Clinton, in the county of Lenawee, and thence to Jackson, in the county of Jackson, be and the same is hereby extended three years from the time the same is required to be completed in the original act incorporating said company: *Provided*, That this act shall not have effect unless it shall receive the assent of a majority of the stock represented at the next annual election of directors of said company, and the assent shall be attested by the president and secretary of said company and filed with the secretary of state.

Time for
completion
of branch to
Clinton ex-
tended.

Assent of
company re-
quired.

Approved March 31, 1849.

[No. 214.]

AN ACT to amend an act entitled "an act to incorporate the North American Health Insurance Company."

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act to incorporate the North American health insurance company, approved March thirteenth, one thousand eight hundred and forty-nine, is hereby so amended as to authorize the said company to make and grant insurance on lives.

Name
changed.

Sec. 2. The name of the company is hereby changed to that of the North American health and life insurance company.

Sec. 4. This act shall take effect immediately.

Approved March 31, 1849.

[No. 215.]

AN ACT for improving the navigation of Maple River.

Certain N.
R. highway
taxes appro-
priated on
certain riv-
er.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all of the non-resident highway taxes for the year one thousand eight hundred and forty-nine, in towns nine and ten north, of range one west, in the county of Gratiot, be and the same are hereby appropriated for the improvement of the navigation of Maple River, in said town nine north, range one west, by the removal of flood wood and other obstructions in said river.

Special
comm'r, his
duties, &c.

Sec. 2. That Robert E. Craven, of the county of Clinton, be and he is hereby appointed special commissioner to disburse the moneys aforesaid, on said road, in town nine north of range one west, in the removal of flood wood and other obstructions therefrom; who shall have power to let any job of work on said river in said town. for the accomplishment of the purpose of this act; first giving public notice thereof by posting up notices in three of the most public places in the township of Duplain, in the said county of Clinton, at least ten days before the time of letting such job or jobs, specifying the time and place, when and where the job or jobs will be let to the lowest bidder, who shall give bonds with one or more sureties

"an act to amend an act entitled an act to authorize the supervisors of the county of Kent to construct a canal and lock around the rapids of Grand river at Grand Rapids, approved February 20, 1847, and the acts amendatory thereto, approved January 29, 1848, and March 28, 1848;" approved January 25, 1849, be and the same is hereby repealed; and the following shall stand instead thereof: "the supervisors of the county of Ionia, or a majority of them, be

Engineer to
be appoint'd
by super-
visors of Ionia
county.

Duties of
engineer.

Act amend-
ed.

of his damages on account of the overflowing of his lands as aforesaid, in the manner following:

Summons
thereupon
to jury of
view.

Sec. 8. Upon filing of such complaint as before provided, the clerk thereof, shall issue a summons directed to the sheriff of the proper county, commanding him to summon Canton Smith, Charles Shepherd, John M. Fox, Joshua Boyer, Billias Stocking, and Conrad Phillips, to appear upon a certain day therein to be named, which shall not be less than ten days from the date of said writ, who shall be duly sworn by the clerk of said court or by a justice of the peace, faithfully and impartially to examine the premises described in the complaint and appraise the damages sustained by the complainant in consequence of the overflowing of any such lands by the waters of such dam, and the persons thus summoned and sworn, shall constitute a jury of view.

Verdict of
jury.

Sec. 9. The said jury, or a majority of them, after thoroughly examining the premises and ascertaining the quantity of land flowed, and determining the amount of damages as aforesaid, shall return a sealed verdict to the clerk of the proper court issuing the summons, who shall open the same, and record it in the minutes of the court.

Payment of
damages a-
warded and
effect there-
of.

Sec. 10. If the special commissioners or any two of them shall within ten days of the rendition of said verdict and the entry thereof by the clerk as aforesaid, pay to the said clerk in orders drawn upon the treasurers of the counties of Kent and Ionia, for the use of the complainant, the amount of damages as estimated by the jury, and the costs of the proceedings to the officer, jury and complainant, to be taxed by the said clerk, then the said complainant and all persons claiming under him or them, shall be precluded and forever barred from maintaining any action at law, or equity therefor, which orders shall be paid in equal proportions by the said counties, and upon the rendition of any such verdict as aforesaid, it shall be the duty of the clerk of the county of Kent, forthwith to notify the board of supervisors of each of said counties, of the amount of such verdict recorded in the minutes of the court aforesaid; the amount of said verdict or verdicts shall be assessed and levied, the one half upon the whole taxable property in the county of Kent, and the other half in like manner upon the whole taxable property of the county of Ionia.

Amount of
such dama-
ges assessed
upon coun-
ties of Kent
and Ionia

giving or withholding their assent to the same; and it shall be the duty of the respective clerks of the said counties, forthwith to notify each other what action has been had in the matter, which said notices shall be filed by said clerks in their respective offices; and that section one, two, three and four of this act shall take effect and be in force from and after their passage.

Approved March 31, 1849.

[No. 217.]

AN ACT to provide for the removal of the State Land Office to the seat of Government.

Removal of
state land
office to
Lansing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the state land office now established and being at Marshall, in the county of Calhoun, shall be removed to, and be established in the village of Lansing, in the county of Ingham, and for that purpose the commissioner shall, as soon after the tenth day of May next, as the business of the said office will permit, and not later than the fourteenth day of said month of May, close his said office at Marshall, and shall immediately thereafter remove all the books, maps, papers, furniture, fixtures and other things belonging to said office, to said village of Lansing, and arrange the same for business at some convenient place, to be designated by the auditor general.

Recorder of
land abol-
ished after
removal.

Sec. 2. Upon closing the said land office at Marshall, as provided in the preceding section, the office of the recorder of the land office shall be, and is hereby abolished.

Comm'r of
L. office to
continue
until 1st of
Feb. 1850.

Sec. 3. The duties of the commissioner of the land office, shall remain and continue as provided by existing laws, until the first day of Februry next, except as herein otherwise provided.

Monies re-
ceived at of-
fice after re-
moval to be
paid to state
treasurer.

Sec. 4. All monies received at the said land office shall, after the removal thereof as provided in section one of this act, be paid to the state treasurer, who shall give a receipt for the same, and which said receipt shall be countersigned by the auditor general as in other cases.

Office of
com'r abol-
ished from
cert'n date.

Sec. 5. From and after the said first day of February next, the office of commissioner of the land office, shall be, and hereby is

Duration of
charter.—
amendment,
repeal, &c.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: provided there be no violation of the charter of said company.

General provisions.

Sec. 5. The provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made a part of this act: *Provided further*, That whenever said company shall have completed their road, or any four consecutive miles thereof, the directors thereof may erect toll-gates and exact tolls from persons travelling on their road, for so much as may be completed.

Sec. 6. This act shall take effect from and after its passage.

Approved March 31, 1849.

[No. 212.]

AN ACT to amend an act entitled "An act to incorporate the Jackson and Michigan Plank Road Company."

Act amended.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five of an act entitled "an act to incorporate the Jackson and Michigan plank road company," approved April third, one thousand eight hundred and forty-eight, be and the same is hereby amended by adding to said section, at the end thereof, the words "except so far as otherwise provided in this act."

Ibid.

Sec. 2. And that said act be further amended by adding after section six thereof, the provisions contained in the following section, numbered three:

Sec. 3. The board of directors of said company are hereby au-

AN ACT to amend an act entitled "an act to incorporate the North American Health Insurance Company."

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act to incorporate the North American health insurance company, approved March thirteenth, one thousand eight hundred and forty-nine, is hereby amended as to authorize the said company to make and grant insurance on lives.

Name
changed.

Sec. 2. The name of the company is hereby changed to that of the North American health and life insurance company.

Sec. 4. This act shall take effect immediately.

Approved March 31, 1849.

AN ACT for improving the navigation of Maple River.

Certain N.
R. highway
taxes appro-
priated on
certain riv-
ers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all of the non-resident highway taxes for the year one thousand eight hundred and forty-nine, in towns nine and ten north, of range one west, in the county of Gratiot, be and the same are hereby appropriated for the improvement of the navigation of Maple River, in said town nine north, range one west, by the removal of flood wood and other obstructions in said river.

Special
comm'r, his
duties, &c.

Sec. 2. That Robert E. Craven, of the county of Clinton, be and he is hereby appointed special commissioner to disburse the moneys aforesaid, on said road, in town nine north of range one west, in the removal of flood wood and other obstructions therefrom; who shall have power to let any job of work on said river in said town, for the accomplishment of the purpose of this act, first giving public notice thereof by posting up notices in three of the most public places in the township of Duplain, in the said county of Clinton, at least ten days before the time of letting such job or jobs, specifying the time and place, when and where the job or jobs will be let to the lowest bidder, who shall give bonds with one or more sureties

to the special commissioner for the faithful performance of said job or jobs.

Sec. 3. It shall be the duty of the special commissioner to make out a correct list of all the non-resident lands designated by the first section of this act, and file the same with the treasurer of the county of Clinton; and it shall be the duty of the said treasurer to withhold from the township of Duplain aforesaid, the moneys accruing on said non-resident lands and pay over the same to the special commissioner. List of lands &c.

Sec. 4. It shall be the duty of the special commissioner to render to the board of supervisors of the county of Clinton, at their annual session, a true account of the application and disbursement of all moneys which he may receive by virtue of this act. Account of comm'r.

Sec. 5. Before said special commissioner shall enter upon his duties, he shall take the oath prescribed by the constitution of this state, and file the same with the clerk of the county of Clinton, and before he shall draw any monies from the treasurer of the county of Clinton, aforesaid, he shall give a bond with one or more sureties, in double the amount of the taxes by this act appropriated, to the said treasurer, for the faithful performance of the duties imposed upon him by this act. The said commissioner shall receive as a compensation for his services one dollar per day, when actually employed, which shall be audited and allowed by the board of supervisors of Clinton county and paid out of the fund created by this act. His oath of office, bond, &c.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 216.]

AN ACT to amend an act entitled "an act to amend an act entitled an act to authorize the supervisors of the county of Kent to construct a canal and lock around the Rapids of Grand River at Grand Rapids, approved February 20, 1847, and the acts amendatory thereto, approved January 29, 1848, and March 28, 1848," approved January 25, 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section one of an act entitled Act amend-

"an act to amend an act entitled an act to authorize the supervisors of the county of Kent to construct a canal and lock around the rapids of Grand river at Grand Rapids, approved February 20, 1847, and the acts amendatory thereto, approved January 29, 1848, and March 26, 1848;" approved January 25, 1849, be and the same is hereby repealed; and the following shall stand instead thereof:

Engineer to be appointed by supervisors of Ionia county.

Duties of engineer.

"the supervisors of the county of Ionia, or a majority of them, be and they are hereby authorized and empowered, to appoint an experienced engineer, on or before the first Tuesday in May next, whose duty it shall be to make estimates, as hereinafter provided, under the contract entered into between the commissioners appointed by the governor of this state, according to act number one hundred and twenty-five, of the session laws of 1848, and James Davis, for the construction of a canal and locks around the rapids of Grand river, at Grand Rapids, in the county of Kent. The said engineer shall, from time to time, determine, as the work under said contract progresses, what proportion of said contract has been done and performed, whether one-half, three-fourths, more or less, and shall also estimate and determine, from time to time as aforesaid, the number of acres of land of the twenty-five thousand acres, agreed to be paid to the said James Davis, by the said commissioners for the full performance of his said contract, that will be sufficient to pay pro rata, the contract for the proportion of said contract done and performed at the time of the estimate and determination; said estimates shall be made at the request of the said contractor, and shall, as often as made, after being signed by the said engineer, and countersigned by the chairman of the board of supervisors of said county of Ionia, be filed by the said engineer, with the commissioner of the state land office, or that officer of the state government upon whom may be imposed the duties of said commissioner. In case of the death, inability or refusal of the engineer to serve as aforesaid, then and in that case, the said commissioners shall, and they are hereby required forthwith to appoint some other suitable and discreet engineer, who shall perform the duties aforesaid."

Act amended.

Sec. 2. That section two of the act hereby amended, be, and the same is hereby amended by striking out the word "commissioners," in the fifth line, and by inserting in lieu thereof, the word "engineer."

Sec 3. The said engineer shall, before he enters upon the duties of his appointment, take and subscribe the constitutional oath, and file the same with the clerk of the board of supervisors of the said county of Ionia. Said engineer shall be allowed a reasonable compensation for his services, one half to be paid by the supervisors of the county of Kent, and the other half to be paid by the supervisors of the county of Ionia, in orders drawn upon the treasurers of their respective counties.

Oath of office, and compensation of engineer.

Sec. 4. It shall be the duty of the commissioners appointed by act No. 125, of the session laws of 1848, to cause a dam to be constructed across Grand river at the Grand Rapids, in the county of Kent, in connection with the said canal and in accordance with the provisions of section 5 of act No. 19 of the session laws of 1847.

Dam to be built by commrs under act 125 of 1848.

Sec. 5. If the lands of any individual or individuals or corporation shall be injured by being overflowed in consequence of the erection of a dam as authorized to be constructed according to section five of act No. 19, of the session laws of 1847, the person or persons, or corporation sustaining such injury shall, if damages are claimed, enter a complaint therefor before the county judge of the county in which such lands are situated.

Proceedings where lands are flowed by dam.

Sec. 6. Such complaint may be presented to the said judge in term time or be filed in the county clerk's office in vacation, and a copy thereof in either case shall be served on one of the special commissioners having charge of the construction of said canal, locks and dams complained of, by being delivered to him or left at his dwelling house by the complainant himself (of which service he must make proof) or by a proper officer, at least thirty days previous to the time of the meeting of the persons hereinafter provided for to view and appraise the damages.

Complaint to be filed and service thereof.

Sec. 7. The complaint shall contain such a description of the land alleged to be overflowed and injured, and such a statement of the damages that the record of the case shall show with sufficient certainty the matter that shall have been heard and determined therein, and upon such complaint being filed as aforesaid, proceedings shall be instituted in favor of the complainant for the recovery

Particulars set forth in complaint.

of his damages on account of the overflowing of his lands as aforesaid, in the manner following:

Summons
thereupon
to jury of
view.

Sec. 8. Upon filing of such complaint as before provided, the clerk thereof, shall issue a summons directed to the sheriff of the proper county, commanding him to summon Canton Smith, Charles Shepherd, John M. Fox, Joshua Boyer, Billias Stocking, and Conrad Phillips, to appear upon a certain day therein to be named, which shall not be less than ten days from the date of said writ, who shall be duly sworn by the clerk of said court or by a justice of the peace, faithfully and impartially to examine the premises described in the complaint and appraise the damages sustained by the complainant in consequence of the overflowing of any such lands by the waters of such dam, and the persons thus summoned and sworn, shall constitute a jury of view.

Verdict of
jury.

Sec. 9. The said jury, or a majority of them, after thoroughly examining the premises and ascertaining the quantity of land flowed, and determining the amount of damages as aforesaid, shall return a sealed verdict to the clerk of the proper court issuing the summons, who shall open the same, and record it in the minutes of the court.

Payment of
damages as-
warded and
effects there-
of.

Sec. 10. If the special commissioners or any two of them shall within ten days of the rendition of said verdict and the entry thereof by the clerk as aforesaid, pay to the said clerk in orders drawn upon the treasurers of the counties of Kent and Ionia, for the use of the complainant, the amount of damages as estimated by the jury, and the costs of the proceedings to the officer, jury and complainant, to be taxed by the said clerk, then the said complainant and all persons claiming under him or them, shall be precluded and forever barred from maintaining any action at law, or equity therefor, which orders shall be paid in equal proportions by the said counties, and upon the rendition of any such verdict as aforesaid, it shall be the duty of the clerk of the county of Kent, forthwith to notify the board of supervisors of each of said counties, of the amount of such verdict recorded in the minutes of the court aforesaid; the amount of said verdict or verdicts shall be assessed and levied, the one half upon the whole taxable property in the county of Kent, and the other half in like manner upon the whole taxable property of the county of Ionia.

Amount of
such dama-
ges assessed
upon coun-
ties of Kent
and Ionia

Sec. 11. The supervisors of each of said counties aforesaid are hereby authorized and required at their joint annual session after the receipt of said notice as aforesaid, to appropriate and cause the same to be assessed and levied in the proportions aforesaid upon the whole taxable property of said counties, for the purpose of paying such verdict or verdicts, and cause the same to be collected in the same manner as other taxes are now collected by law.

Duties of supervisors of said counties.

Sec. 12. Whenever the orders aforesaid shall be presented to either of the said treasurers, it shall be their duty to pay the same out of any monies in said treasuries not otherwise appropriated; and the said orders shall bear interest at the rate of seven per cent. per annum from and after the day of their presentation, and until the same shall be paid, and the time of said presentation shall be certified to by the treasurer to whom the same shall be presented, upon the back of the same.

Orders for damages—how paid, &c.

Sec. 13. In case any of the persons above named for a jury of view, in consequence of death, absence from the country or any other inability, be unable to serve in viewing and determining said damages, then and in that case it shall be the duty of the said sheriff or either of his deputies, to summon forthwith a sufficient number of discreet and disinterested freeholders, to serve in his or their stead, whose duty it shall be to appear at the time and place mentioned in the summons, and perform the same duties prescribed in section nine of this act, after having taken the same oath as required in section eight, the said sheriff or his deputy, being first sworn by the clerk of the county of Kent, to select such freeholders according to his best judgment, and without favor or partiality to either party.

Tallemens for jury of view.

Sec. 14. That the proviso of section five, of act number nineteen of the session laws of 1847, approved February 20, 1847, be, and same is hereby repealed.

Act amended.

Sec. 15. That sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen, and fifteen of this act, shall not take effect or be in force unless two thirds of each board of the supervisors of the counties of Kent and Ionia shall file their written assent thereto with the county clerk of each of said counties; and the said board of supervisors are hereby required to meet in their respective counties on or before the first Tuesday in May next, for the purpose of

Supervisors of Kent and Ionia to file assent to certain provisions of this act.

giving or withholding their assent to the same; and it shall be the duty of the respective clerks of the said counties, forthwith to notify each other what action has been had in the matter, which said notices shall be filed by said clerks in their respective offices; and that section one, two, three and four of this act shall take effect and be in force from and after their passage.

Approved March 31, 1849.

[No. 217.]

AN ACT to provide for the removal of the State Land Office to the seat of Government.

Removal of
state land
office to
Lansing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the state land office now established and being at Marshall, in the county of Calhoun, shall be removed to, and be established in the village of Lansing, in the county of Ingham, and for that purpose the commissioner shall, as soon after the tenth day of May next, as the business of the said office will permit, and not later than the fourteenth day of said month of May, close his said office at Marshall, and shall immediately thereafter remove all the books, maps, papers, furniture, fixtures and other things belonging to said office, to said village of Lansing, and arrange the same for business at some convenient place, to be designated by the auditor general.

Recorder of
land abol-
ished after
removal.

Sec. 2. Upon closing the said land office at Marshall, as provided in the preceding section, the office of the recorder of the land office shall be, and is hereby abolished.

Comm'r of
L. office to
continue
until 1st of
Feb. 1850.

Sec. 3. The duties of the commissioner of the land office, shall remain and continue as provided by existing laws, until the first day of February next, except as herein otherwise provided.

Monies re-
ceived at of-
fice after re-
moval to be
paid to state
treasurer.

Sec. 4. All monies received at the said land office shall, after the removal thereof as provided in section one of this act, be paid to the state treasurer, who shall give a receipt for the same, and which said receipt shall be countersigned by the auditor general as in other

Office of
com'r abol-
ished from
cert'n date.

Sec. 5. From and after the said first day of February next, the office of commissioner of the land office, shall be, and hereby is

declared to be abolished, and the duties required of said commissioner by existing law shall devolve upon and be performed by the auditor general.

Sec. 6. All accounts for incidental expenses of said office, accounts for traveling expenses and postage of superintendent of public instruction, accounts for surveys of village lots or other lands, improvements at Lansing, and all other accounts and charges heretofore allowed and paid by the said commissioner, from monies in his hands, shall hereafter be audited by the board of state auditors, on the certificate of the commissioner, and when audited and allowed, shall be paid from the state treasury on the warrant of the auditor general drawn on the proper fund.

Board of auditors to audit certain accounts.

Sec. 7. Any purchaser of salt spring, university or primary school lands, his agent or attorney, may pay to the county treasurer of the county in which such lands lie, the amount due on his certificate from time to time, either for principal or interest, and for the amount so paid, the said treasurer shall give to such person his receipt, specifying the amount so paid, and whether for principal or interest or both, and the amount of each, and which said receipt shall be countersigned, by the county clerk; and when so given and countersigned, shall have the same force and effect as if it had been given by the commissioner of the state land office, or state treasurer: *Provided*, The several county treasurers authorized to receive money under the provisions of this act, are required to execute and give to the state a bond with good and sufficient sureties in an amount to be fixed by the commissioner of the state land office or by the auditor general, the sureties to be approved by the prosecuting attorney and register of deeds of their respective counties, conditional that the said moneys shall be paid over to the state treasurer as provided in this act.

Purchaser of S S, university, or P S lands may pay interest to county treasurer.

Sec. 8. The said county treasurer shall issue duplicate receipts, for all monies received under the provisions of the preceding section, one of which shall be left with the county clerk of such county.

Receipts of county treasurer.

Sec. 9. The duplicates of such receipts, shall be filed with the county clerk, who shall also make an entry of the amount for which such receipt was given, and whether the same was for principal or interest, with the name of the person paying the same, in a book to

Duties of C. clerks in such cases.

be provided by him for that purpose, at the expense of the county; and shall on the first Monday of each month, forward all the receipts on file in his office, to the commissioner of the land office or auditor general in such manner as he may direct.

Duty of
com'r of L.
office to
transmit
statements
of lands &c.
to county
treasurers.

Sec. 10. It shall be the duty of the commissioner of the state land office on or before the first day of July next, and of the auditor general on or before the first day of July in each year thereafter, to transmit to the county treasurers of the several counties, where payments may be made under the provisions of this act, a statement of all salt spring, university or primary school lands within such counties upon which any interest or principal is due, or to become due, the amount of principal due on each description, the amount of interest annually due or to become due thereon, with such directions and instructions as may be necessary to enable said county treasurers fully to carry out the provisions of this act, and the said commissioner of the state land office or the auditor general shall also transmit to the several county treasurers with the statements mentioned in this section, a bond to be executed by them, in the penal sum of at least twice the amount which may be received by the said county treasurer; upon the election of any county treasurer in any county where payments may be made under the provisions of this act, they and each of them shall at the time of their executing their ordinary bond of office, and before entering upon the duties of their office, also execute the bond provided for in this act, and forward the same to the auditor general as herein provided.

Duties of C.
treasurers.

Sec. 11. The said county treasurers shall on the receipt of the statements and bonds, execute in the manner provided in this act the bonds, and forward the same to be filed in the auditor general's office, and for any failure to pay over to the state treasurer, any or all money received under the provisions of this act, by any county treasurer, the county in which such failure may occur shall be liable for all losses that may occur from such failure, and the said treasurer shall charge the same to such county.

Idem.

Sec. 12. The monies received by said county treasurers under the provisions of this act, shall be held subject at all times to the order of the state treasurer; and all such moneys so received shall

LAWS OF MICHIGAN.

Sec. 13. This act shall take effect from and after its passage.

Approved March 31, 1849.

[No. 218.]

AN ACT for the improvement of the road leading from Hillman's in the township of Tyrone and county of Livingston, to Pontiac in the county of Oakland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all such non-resident highway taxes as may be collected for the year eighteen hundred and forty-eight, and for three years thereafter, on all legal subdivisions or descriptions of land, the greater or equal part of which lies within one mile from the centre of said road leading from Hillman's in the town of Tyrone, in the county of Livingston, to Pontiac in the county of Oakland, be, and the same are hereby appropriated for the improvement of said road: *Provided,* That this act shall not apply to any lands the said taxes whereof have heretofore been appropriated for the improvement of the Pontiac and Grand river road.

App
tion
taxes
tain

Sec. 2. A special commissioner shall be appointed by the governor, who, in expending all moneys which may be subject to his control by the provisions of this act, shall be governed by the same laws, as far as they are applicable, as are now or may hereafter be in operation for the government of township highway commissioners.

Speci
com'r
power
duties

Sec. 3. It shall be the duty of said special commissioner, before entering upon the duties of his office, to take and subscribe an oath that he will faithfully perform the said duties, and also to file in the office of the county treasurers of Oakland and Livingston counties, a bond in the penal sum of five hundred dollars each, with two or more good and sufficient sureties to be approved by said treasurers, for the faithful discharge of the duties imposed upon him by virtue of this act, and in default thereof, it shall be the duty of said county treasurers to prosecute the same in the manner prescribed by law for the prosecution of bonds against county officers.

Oath a
bond of
comm'

Sec. 4. It shall be the duty of said special commissioner, on or before the first day of September next, to make out a list of all non-

List of la
to be ma
by comm

resident lands coming under the provisions of this act, and deliver the same to the county treasurer, who shall thereupon open an account with the Livingston and Oakland road fund, and credit to said fund all moneys which may be in his hands, or may hereafter be paid into his office for non-resident highway taxes upon any of the land described in said list, and charge said fund with all moneys drawn by said special commissioner.

Payment of
contractors
and others.

Sec. 5. It shall further be the duty of said special commissioner, to issue his certificate to any person who may be entitled to the same, in payment for labor performed, or materials furnished for the improvement of said road, stating the facts as they exist, and draw his warrant thereon for the amount due said person, upon the county treasurer of the county, where said labor or materials are done or furnished, who shall pay the same from any moneys in his hands standing to the credit of said road fund.

Compensation
of commissioner.

Sec. 6. The said special commissioner shall be entitled to receive as compensation for any services rendered, in discharge of the duties imposed upon him by this act, the sum of one dollar and fifty cents per day, for the time employed in carrying out the provisions, and his accounts for such time, verified by his oath, shall be audited by the board of supervisors of the counties of Livingston and Oakland, and shall be paid from any moneys standing to the credit of said fund: *Provided*, That nothing in this act shall be so construed as to contravene any act for the improvement of roads crossing this road.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 219.]

AN ACT to consolidate the Laws in relation to County Courts and for other purposes.

Co. courts,
Judges of,
when to be
elected.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county courts now established in the organized counties of this state shall continue and be held at the county seats of said counties for the transaction of all business that may be lawfully brought before them. The qualified

electors of each county shall elect a county judge and a second judge at the general election to be held for the year eighteen hundred and fifty, and once in every four years thereafter, who shall hold their offices four years from the first day of January thereafter, and until their successors are elected and qualified to serve in their places. The county judges and second judges now elected in the several counties shall hold their offices for the full term for which they were elected.

Sec. 2. It shall be the duty of the second judge to perform the duties of the county judge when such judge is interested, or when from absence or other disability he is unable to serve: *Provided*, That when the office of county judge or second judge becomes vacant from any cause, such vacancy shall be filled at the first general election thereafter.

Duties of
2nd Judge.

Vacancies,
how filled.

Sec. 3. The county courts shall be courts of record, and each one shall have a clerk and seal. They shall have and exercise original and exclusive jurisdiction in all matters at law, civil and criminal, excepting proceedings in probate cases, actions of ejectment, and cases civil and criminal which are by law made cognizable before justices of the peace, and except also as hereinafter provided. They shall have jurisdiction of proceedings for the foreclosure of mortgages, and appellate jurisdiction of all cases of appeal from courts of justices of the peace in civil proceedings.

Co'ty courts
to be courts
of record,
with clerks
and seals.

Their juris-
diction.

Sec. 4. In any civil action where the plaintiff's demand exceeds the sum of five hundred dollars, the plaintiff may at his election commence such action in the circuit court of the proper county.

When ac-
tion may be
brought in
circuit c'ts.

Sec. 5. Each judge of a county court before he enters upon the duties of his office, shall take and subscribe the oath prescribed by the constitution of this state, which may be administered by the county clerk or any justice of the peace of the county, and shall be filed in the office of the county clerk.

Oath of of-
fice of jud-
ges.

Sec. 6. The county clerk shall be clerk of the county court, and shall have the custody and care of all the books and papers belonging to the court, shall be present at all trials, may swear all witnesses or jurors on the trial of a cause, shall keep minutes of the proceedings and judgments of the court in any cause, under the direction of the judge, shall issue all process under his hand, and the seal of the court, except when otherwise provided for by law, and

County cl'k
to be clerk
of county
court—his
powers and
duties.

shall tax all costs from minutes thereof kept by him, (including witness' fees,) under the direction of the judge: *Provided*, That in case of his inability to discharge his duties by reason of sickness or absence, his deputy may perform the same or the court employ some person in his place.

Issue of process, &c.

Sec. 7. The county courts shall have full power and authority to issue any legal process proper and necessary to carry into effect such jurisdiction given them by law, and to carry out such jurisdiction, shall have and exercise all powers usually possessed by courts of record under the common law, under the limitations and restrictions imposed by statute.

General terms.

Sec. 8. A general term of each county court shall be held in each of the counties of this state on the first Tuesday of every month, for the transaction of business, the hearing of actions or proceedings pending therein, and may continue as long as the court may deem necessary. The court shall be opened at ten o'clock in the forenoon of the first day of the term.

Security for costs may be required, &c.

Sec. 9. The county judge may in all actions, either before or after the issuing of process, at his discretion, require of the plaintiff

When so considered as commenced.

attachment or summons was first served shall be deemed to have been first commenced. But it shall be the duty of the sheriff (or other person serving the same) to serve the process first which first came into his hands.

Fourth. When a suit is instituted without process or declaration, at the time when the parties shall appear before the county court and cause the same to be entered.

Of the issuing and return of Summons.

Sec. 12. On making and filing declaration as commencement of suit, a summons shall be issued by the county clerk, directed to the sheriff of the county in which it shall be issued, commanding him to summon the defendant to appear before the court, which issued the same, on the first day of the term next ensuing the time of issuing the same, at the hour of ten o'clock in the forenoon of said day, to answer the plaintiff in the action, which summons shall contain a statement of the amount for which the plaintiff will take judgment if the defendant fail to answer the declaration.

Proceedings on filing declaration as commencement of suit.

Sec. 13. The summons shall in all cases be served at least six days before the time of appearance mentioned therein, and if the defendant be found it shall be served by reading the same to such defendant, or (if required by him) by delivering a copy thereof; but if the defendant shall not be found, it shall be served by leaving a copy thereof at the defendant's last place of abode, in the presence of some one of the family of suitable age and discretion, who shall be informed of its contents.

Service of summons in such cases.

Sec. 14. On the return of such summons personally served, if the defendant do not appear in person or by attorney, within one hour after the time mentioned therein for his appearance, the court shall at the request of the plaintiff, proceed with the cause ex-parte; but no judgment shall in such case be rendered for an amount greater than the sum mentioned in the summons, with interest thereon, in cases where, by law, it should be allowed.

Proceedings on return of such summons.

Attachments.

Sec. 15. Any creditor may proceed by attachment in the county court against the property of his debtor, in the cases, upon the conditions and in the manner provided in title twenty-four of the re-

Attachments.

vised statutes of eighteen hundred and forty-six, for proceedings against debtors in attachment in the circuit court, subject only to the limitation of the jurisdiction of said county court; and such attachments in county courts shall be issued and proceeded in, in all respects in conformity with the provisions regulating proceedings against debtors in attachment in the circuit court, so far as the same can be made to apply and are consistent with the practice of said county courts as herein established: *Provided*, That if it appear from the return of such writ, that any property has been attached thereon, and that the defendant could not be found, the court shall continue the cause until the third general term next thereafter: *And provided further*, That the sheriff or other officer shall not go out of his county to summon the defendant.

Warrants.

In what cases warrants may issue.

Sec. 16. The plaintiff shall be entitled to a warrant upon filing with the county clerk an affidavit made by such plaintiff or some one stating in his behalf facts and circumstances showing,

First. That the defendant fraudulently contracted the debt, or incurred the obligation respecting which suit is brought; or

Second. That the plaintiff's demand is for the recovery of money collected by a public officer or an attorney, solicitor or counsellor in the course of his employment as such, or by any person in a fiduciary capacity, or for the recovery of damages on a promise to marry, or for any misconduct or neglect in office or in a professional employment; or

Third. That the defendant has committed a trespass, or other wrong to the damage of the plaintiff, or

Fourth. That the defendant has incurred a penalty by some law of this state for which the plaintiff has a right to commence a suit.

Form of warrant &c.

Sec. 17. Such warrant shall command the sheriff or other officer serving the same to take the body of the defendant and bring him into court on the first day of the next ensuing term to answer the plaintiff in an action to be mentioned therein.

Defendant in attachment to discharge from arrest giving bond, &c.

Sec. 18. Every defendant arrested upon a warrant shall be entitled to be discharged from such arrest upon executing to the officer

shall be mentioned in his affidavit, with two sufficient sureties to be approved by such officer, conditioned that such defendant will appear in the action commenced by such warrant before the court at the time therein named, and that the defendant will pay the judgment rendered against him in such suit, or will surrender himself in execution, or that in default thereof, such sureties will pay such judgment for him.

Sec. 19. When the defendant shall be brought into court on any such warrant, or shall appear in accordance with the conditions of the bail bond, which he may have executed to the sheriff, as in the preceding section provided, the court shall forthwith or within three days thereafter, proceed to hear, try and determine the cause, unless such cause be continued on cause shown as in other cases. If such continuance be made on the application of the plaintiff, or by consent of the parties, the defendant shall be discharged from custody, but the cause shall not be discontinued thereby, but shall be proceeded in at the day to which the same was continued as in other cases; if such continuance be had on the application of the defendant he shall give bond to the plaintiff satisfactory to the court, conditioned to appear on the day to which the same was continued and pay any judgment that may be recovered against him in the cause, or render himself in execution on any such judgment, and in default of giving such bond, he shall remain during the time of continuance in the custody of the officer serving the warrant.

Proceedings on return of attachment process—continuance, &c.

Sec. 20. If the defendant shall not appear in court according to the conditions of the bond mentioned in section eighteen, the plaintiff may take an assignment thereof, from the officer to whom the bond was given and may sue thereon in his own name; but he shall not recover judgment for more than is justly due him from the defendant, together with the costs and charges of the prosecution.

When plaintiff entitled to assignm't of defendant's bond for appearance.

Replevin.

Sec. 21. The plaintiff, in an action to recover the possession of personal property, may at the time of commencing the action, claim the immediate delivery of such property as herein provided.

Sec. 22. Where a delivery is claimed, an affidavit must be made by the plaintiff, or some one in his behalf showing:

Affidavit for replevin, what to contain, &c.

First. That the plaintiff is the owner of the property claimed, (describing it) or is lawfully entitled to the possession thereof.

Second. That the property is wrongfully detained by the defendant.

Third. That the same has not been taken for any tax, assessment or fine levied by virtue of any law of this state, or seized under any execution or attachment, against the goods and chattels of such plaintiff, or if so seized, that they are by statute exempt from such seizure; and

Fourth. The actual value of the property according to his best knowledge and belief.

Issue of writ thereupon.

Sec. 23. The county clerks shall thereupon issue a writ of replevin which shall be substantially the same as provided in section six, chapter one hundred and twenty-four of the revised statutes, to which the affidavit shall be annexed.

Sheriff to seize and make delivery of property on receiving cert' in bond from plaintiff.

Sec. 24. Upon the receipt of such writ with the affidavit annexed, and a bond executed to the sheriff and his assigns, with the addition of his name of office, with one or more sufficient sureties to be approved of [by] such officer, in a penalty not less than one hundred dollars, and in at least double the value of the property, as stated in the affidavit, conditioned that the plaintiff will prosecute the suit to effect, and that if the defendant recover judgment against him in the action, he will return the same property, if return thereof be adjudged, and will pay the defendant such sum of money as may be recovered by such defendant against him in the said action; the sheriff shall forthwith take the property, if it be in the possession of the defendant, or his agent, and deliver it to the plaintiff.

Proceedings in replevin in county courts to conform to practice in circuit as far as practicable.

Sec. 25. The proceedings in actions of replevin in the county courts, had subsequent to those required in the preceding sections, shall be the same in all respects as is provided for actions of replevin in the circuit court, in title twenty-four of the revised statutes of 1846, so far as the provisions thereof can be made to apply, and are consistent with the practice of said county courts, herein established; but no exceptions shall be taken in the county court to the sufficiency of the sureties taken by the sheriff or his deputy, or other officer in any such action; but the officer taking the same shall be liable for the sufficiency thereof; nor shall it be necessary

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shall not be necessary for the officer executing the writ, to cause the property seized to be appraised, nor shall the bond be delivered to the defendant unless the property specified in the writ or any part thereof, be seized or delivered to the plaintiff.

Of Pleading in Civil Actions.

Sec. 26. All causes not commenced by an amicable appearance of the parties thereto, or by warrant, attachment or writ of replev-
Form of de-
claration.
in, shall be commenced by filing with the clerk, a declaration therein, made in writing by the plaintiff in person, or by agent, or attorney, which said declaration shall be a brief statement of the form of the action, and of the plaintiff's claim or demand, and in all actions arising upon contract, may be made without regard to any form of declaration heretofore used, but such declaration shall in all cases set forth the nature of the plaintiff's claim or demand; and if for money due upon a contract, the amount due after allowing all credits to which the defendant is entitled, shall be the damages claimed therein.

Sec. 27. At the time of the first appearance of the parties before the court, either upon the return of process, or their voluntary appearance to join issue, the pleadings of the parties shall be made, unless the court shall allow further time upon cause shown. When both parties have appeared, an issue shall be joined before an adjournment shall be had, (except as aforesaid) and when the defendant shall have appeared upon a warrant, the pleadings shall be made within such reasonable time as the court shall allow for that purpose.
Pleadings &
joining of
issue.

Sec. 28. The twenty-second, twenty-third, twenty-fourth and twenty-sixth sections of chapter ninety-nine of the revised statutes in relation to pleas and set-off shall apply to county courts.
Certain provisions of R. S., relative to pleas and set off applicable to Co. courts.

Sec. 29. If a defendant neglect to set-off any demand which according to the provisions of this act might have been allowed to him on the trial of the cause, he shall be forever thereafter precluded from recovering costs in any action brought to recover such demand, or any part thereof, which might have been set-off.
Effect of neglect to set off dem'nds

Sec. 30. In all actions founded in whole or in part on any paper, writing, book of account or record, the party making the same, shall with his declaration, present such paper, writing, account or record, or a copy thereof, if in his possession or under his control,
Documents to be presented with declaration.

and if otherwise, he shall state it, that the court may lend its aid in procuring the same.

Of Continuances.

Continuances.

Sec. 31. In all cases if the plaintiff or defendant shall make it appear to the satisfaction of the court, by his own oath or other legal testimony, that he cannot safely proceed to trial for want of some material testimony or witness, naming such witness, the court shall order a continuance of the cause for such reasonable time, so often as he shall deem it necessary: *Provided*, That a party claim-

Proceeding
in judgment
by confession.

Trial of issue—when
by jury or
court

joined, and shall be accompanied by the payment into court, of one dollar for each juror demanded; (such fee to be taxed against the party losing.) on such demand the court shall direct the clerk to make an entry of such demand upon the record and shall upon the day to which the cause stands adjourned, direct an officer or disinterested person present, to write down the names of three times the number of persons required for the jury, who are qualified to serve as jurors in the circuit court, and not of kin to either party, nor in any manner interested in the cause; such officer or other person being by the court first sworn to select such names without partiality to either party. The list being made, the parties shall each alternately strike out a name until the requisite number be left, and if either party shall refuse or neglect to strike out on his part, the court or clerk may strike out the names in his stead; a venire shall thereupon be issued by the court for the persons thus selected, and delivered to an officer who shall forthwith proceed to summon the jury therein named. If any of the jurors named in such venire, shall not be found, or shall fail to appear according to the summons, or if there shall be any legal objections to any who shall appear, the court shall direct the officer to summon a sufficient number of talismen to supply the deficiency; but in all cases the parties may agree upon any number of persons to try the cause.

Demand for jury, when made, fees to be paid, &c.

List of jurors.

Venire.

Talismen.

Sec. 35. When a jury shall have been regularly empannelled and sworn, they shall sit together and hear the testimony and charge of the court, and after deliberation render their verdict according to law and evidence given them in open court.

Hearing of jury verdict, &c.

Sec. 36. In cases of appeal from a justice's court, now pending or hereafter to be brought in the county court, if the appeal be not dismissed, and there be an issue of law made in the cause, it shall be tried by the court, if an issue of fact, it shall on demand of either party, be tried by a jury of the same number, and to be called and empannelled in the same manner as hereinbefore provided; but if no jury be demanded by either party, the issue shall be tried by the court.

Issue on appeals, how tried.

Sec. 37. The fees of the sheriff for his services in drawing, summoning and attending the jury, shall be twenty-five cents for each juror, to be taxed as costs of suit.

Sheriff fees.

Stay of ex-
ecutions on
judgments.

Sec. 38. The party against whom any judgment may be rendered in the county court, whether on confession or on trial, may at any time within ten days from the date of such judgment, stay the execution thereof by filing with the clerk of the court, a bond or other security in writing, to the plaintiff, executed by one or more persons to be approved by the county judge, for the payment of the judgment and interest within three months from the commencement of the suit, and if upon an appeal from the day of filing the return from the justice with the county clerk, if such judgment shall not exceed twenty-five dollars, exclusive of costs; within six months, if such judgment exceed twenty-five dollars, and is under fifty dollars, exclusive of costs; and within ten months if said judgment exceed fifty dollars; and paying in either case to the said clerk, the costs for which judgment was rendered; and if the amount of such judgment and interest be not paid within the time limited for such stay, execution may issue against the party to such judgment, and the person or persons named in such bond or security; *Provided.* That this section shall not apply to any judgment against any attorney at law, justice of the peace, sheriff, constable or other officer, for money collected, nor to any other individual for money deposited with him, nor to any judgment for costs only, nor to actions of replevin, but in all such cases, execution may issue immediately.

Proceedings
when stay
of execution
dies or re-
moves from
the county.

Sec. 39. In all cases where security for the stay of execution shall be put in upon any judgment, rendered in the county court, and the person becoming such security shall die or remove from the county in which such judgment is obtained, before the expiration of the time for which said execution is stayed, the plaintiff, his agent or attorney, may serve a notice in writing upon the defendant, informing him of the facts in relation to the decrease or removal of the surety. Ten days after the return of said notice to the county clerk, the plaintiff may have execution against the goods and chattels of the defendant and his surety, unless before the expiration of said ten days the defendant shall give further security, for the stay of execution satisfactory to the court. Upon the return of said notice to the clerk, affidavit of the service thereof shall be made by the person serving the same.

Sec. 40. Executions from the county courts shall be directed to the sheriff of the county, (except in cases where by law a coroner or constable is required to serve the same) be dated on the day on which they actually issued, be made returnable in ninety days thereafter, and shall run against the goods and chattels, lands and tenements, of the defendant within the county. Executions.

Sec. 41. If the sheriff or any officer to whom any execution from a county court shall have been delivered, shall neglect to return the same within five days after the return day thereof, or shall refuse or neglect to serve any such execution or to levy the same as lawfully directed, or shall refuse or neglect to pay over any monies collected by him on any such execution as required by law, the county court upon application of the judgment creditor, his agent or attorney, upon oath, setting forth such neglect or refusal specifically, shall issue a citation made returnable on the first day of the next ensuing term from the date thereof, which shall be served by any constable of the county, five days at least, before the return day thereof, citing such sheriff or other officer to appear before said court, at a time named therein, to show cause, if any there be, why he should not be held liable to pay the amount due to the judgment creditor on such execution, including damages, interest and costs; and if on such hearing, no sufficient cause be shown by such officer why he should not be held liable as aforesaid, the court shall render judgment in favor of the judgment creditor and against such officer for the amount due him upon such execution, damages, interest and costs, inclusive, together with the costs of the proceeding and ten per cent. damages on the amount due as aforesaid, and no bail for the stay of execution in any such judgment shall be allowed to be put in, in any such case, but execution may issue thereon immediately, directed to any constable of the county, who may collect the same, with all the powers and liable to all the penalties of a sheriff in similar cases. Proceedings against sheriff or other officer for neglect to serve or return executions or to pay over monies collected.

Sec. 42. Upon any judgment it shall be lawful to issue an execution into any other or the same county, after the execution issued shall have been returned and filed, as though returned and filed on the return day. When executions may be issued into other counties.

County judges being counsellor of Sup. Ct. to have power of circuit court.

Sec. 43. Each of the county judges, being an attorney and counsellor at law of the supreme court of this state, shall have power and authority to grant writs of habeas corpus and adjudicate thereon, and to do all other acts which by the laws of this state, a circuit court commissioner is authorized to do or perform, excepting granting certiorari to his own decision, and shall be allowed therefor, the same fees allowed circuit court commissioners for the like services.

Co. judge to try no case wherein he has been counsel.

Sec. 44. No county judge shall try any cause in which he shall have been attorney or counsel, except by the consent of both parties, their attorneys and counsel.

Resignations

Sec. 45. The resignation of any county judge, or second judge, may be filed with the county clerk, and shall take effect from the filing of the same in the clerk's office.

Rules of practice.

Sec. 46. Each county court shall have power to make rules for regulating the practice of said court, and conducting the business thereof, and to revise and alter the same from time to time as it may deem proper, subject however to such rules as may be prescribed by the supreme court in accordance with law.

Salaries of judges.

Sec. 47. The board of supervisors of each county except the county of Wayne, in which the board of county auditors, shall at any regular meeting make an order allowing the county judge a reasonable compensation for his services in each and every year in the trial of civil and criminal causes, and that section nineteen of chapter one hundred and fifty of the revised statutes of eighteen and forty-six, be and the same is hereby repealed.

Section 19, chap. 150, R. S. repealed.

Special election for Co. judges.

Sec. 48. It shall be lawful for the electors of any county in this state to hold a special election therein on the first Monday of April in any year, for the purpose of filling any vacancy in either of the offices of county judge or second judge of the county court of such county. And such election may be held when the county clerk shall at least twenty days before the annual township meeting, give notice in writing to the township clerks of the several townships of the said county, that elections will be held to fill such vacancy, any law to the contrary notwithstanding.

Census & return of votes in such cases.

Sec. 49. The votes cast at such election shall be canvassed, the result certified and determined in the manner, and under the re-

strictions and regulations provided by existing laws for holding special elections.

Fees to be paid to the use of the County.

Sec. 50. Before any suit shall be commenced in the county court by process or amicable issue, or before any appeal either by the appellant or respondent, or judgment by confession shall be entered, or [there] shall be paid to the county clerk for the use of the county, the sum of two dollars in each case, which shall be taxed in each case in favor of the party paying the same and recovering judgment. Entry fee.

Sec. 51. The clerk shall pay the said fees so received by him on or before the first day of each general term, to the county treasurer. Co. clerk to pay same to Co. treas'r.

General provisions concerning County Courts.

Sec. 52. In all cases of appeal from judgments rendered in justices courts, the provisions of law relating to the admissibility of the testimony of a party in the justice's court shall be applicable on the trial of any such cause in the county court. Testimony admissible on appeals.

Sec. 53. Parties to any civil cause or proceeding pending in any county court, may agree in writing upon the facts in such cause or proceeding, and submit the same to the court; and such court shall thereupon render judgment in the cause so submitted; and if either party shall be dissatisfied with such judgment, a bill of exceptions to the opinion of the court may be tendered, and the judgment removed to the circuit court for the same county by a writ of error. Cases may be submitted on statement of facts by parties—bill of exceptions, &c.

Sec. 54. When an action founded upon contract is brought against several persons the plaintiff may be allowed at any time before judgment to discontinue as against any of the defendants upon such terms as the court shall direct; and a verdict may be taken for, or against one or more of several defendants. Pliff may discontinue as to one or more of several defendants on terms.

Sec. 55. If in any civil suit or criminal prosecution in any county court of this state, any question of law shall arise, which in the opinion of the presiding judge shall be so important or doubtful as to make it advisable to require the opinion of the supreme court therefor, he shall report the cause so far as may be necessary to present such question of law, and transmit the same with all con- Case res'v'd for opinion of supreme court.

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Direction &
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process.

Sec. 56. All process
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New trials,
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LAWS OF MICHIGAN.

Sec. 61. If from sickness or any other cause the judge of any county court shall fail to attend at the proper time and place for holding the court, or at the time to which any cause may stand continued, no such cause or any suit commenced therein, or appeal, shall in consequence thereof become discontinued; in which case all such suits, appeals and causes, shall stand continued to the next general term, unless the county judge or second judge shall appear and proceed to hear the same, within six hours after the time appointed for the hearing of the same.

Of Mortgages.

Sec. 62. On default being made in the payment of any money secured to be paid by a mortgage of real estate accompanied by a note, bond or other obligation of the mortgagor, or containing a covenant or express agreement for the payment of money secured thereby, such mortgage may in all cases where the sum due and secured with interest thereon does not exceed the sum of one thousand dollars, be foreclosed and collected in the county court for the county in which the mortgaged premises are situated, in the manner hereafter provided.

Sec. 63. The mortgagee, his heirs or assigns, on any payment of the principal or interest becoming due on such mortgage, may make and file a complaint as commencement of suit in the county court as in other cases of a demand for money, and prosecute such suit to final judgment as in other cases, or take judgment by confession, for such amount as may be found due on such mortgage and its accompanying obligations, and when such judgment is entered, the judge or clerk of the county shall endorse on the back of such mortgage, the amount and date of such judgment, which endorsement shall have no other and further effect than to exhibit the proceedings in such case.

Sec. 64. The party against whom judgment may be rendered as provided in the last preceding section, may enter bail therein for the stay of execution as in other cases, and if at the end of the time for which said execution be stayed, the amount of such judgment, with interests and costs, or any part thereof remains unpaid, the plaintiff in such judgment, his heirs, assigns, or legal representatives, may at his or their election, take out an execution thereon against the defendant and against his bail, or may have an order of

court for the sale of the real estate described in such mortgage, or of so much thereof as may be necessary to satisfy said judgment, interest, cost and expenses of sale. The sale of such premises shall be made by the sheriff under, and by virtue of such order, and be advertised, proceeded in, and made in all respects in conformity with the law for the sale of real estate on execution; and such sale shall have the same effect as the sale of mortgaged premises on foreclosures of mortgages by advertisement, pursuant to the statute in such cases made and provided, except that the time of redemption of the mortgaged premises shall be sixty days and no longer.

Time for redemption in such cases to be sixty days.

Proceedings where no stay is put in and redemption in such cases.

Sec. 65. If a mortgagor against whom judgment is rendered as provided for in the preceding sections, does not enter bail for the stay of execution, the plaintiff may in like manner, at his election, take out an execution against such defendant, or he may have an order for the sale of the mortgaged premises as above provided, or of so much thereof as may be necessary to satisfy such judgment, with the interest and costs. On a sale of mortgaged premises, when no bail has been put in for the stay of execution, the mortgagor or party in interest in such premises shall have the same length of time to redeem the mortgaged premises that is allowed by law in case of sales under foreclosure by advertisement.

Order for sale after execution return'd unsatisfied and proceedings thereon.

Sec. 66. If in any case a party plaintiff, in a judgment founded upon a mortgage, shall elect to take execution against the defendant and his bail, and such execution shall be returned by the officer to which the same shall have been delivered, unsatisfied in whole or in part, such plaintiff shall be entitled on application to a judge of the court, to an order of sale of so much of the mortgaged premises as may be necessary to satisfy the amount so due and unpaid, and such order shall be proceeded on in the same manner and with the like effect, as when the plaintiff elects to take an order of sale as above provided.

Of Certiorari.

Removal of causes by certiorari into the Ct. court.

Sec. 67. No appeal shall be allowed of any cause tried or determined by a county court, but in all cases of judgment rendered by such court, in any civil suit, either party thinking himself aggrieved or injured by such judgment, or by any opinion or direction of the

court, may remove the cause by bill of exceptions, certiorari or writ of error, into the circuit court, for the same county in which such judgment was rendered.

Sec. 68. The party intending to apply for such certiorari shall give to the judge of the county court rendering the judgment, within ten days after the rendition of the same, a notice in writing of the intention to remove the case to the circuit court, and shall within the same time make or cause to be made an affidavit setting forth the substance of the testimony and the proceedings in the county court and the grounds upon which an allegation of error is founded.

Notice of intention to remove cause, and affidavit thereupon.

Sec. 69. Such affidavit shall within thirty days after the rendition of the judgment, be presented to the circuit judge or circuit court commissioner of the proper county, and if he shall be satisfied that an error affecting the merits of the controversy has been committed by the court or jury in the proceedings, he shall allow the certiorari by endorsing his allowance thereon.

Affidavit to be presented to circuit judge or circuit court comm'r for allowance of writ.

Sec. 70. The party thus obtaining a certiorari shall execute to the opposite party, a bond with one or more sufficient sureties to be approved by the circuit judge or circuit court commissioner, in a penalty double the amount of judgment for debt, damages and costs, conditioned to prosecute such certiorari to effect, and abide the judgment of the circuit court therein and pay all debts, damages and costs that may be awarded against him, which bond need not be executed by the party procuring certiorari, if executed by two or more sureties satisfactory to the officer allowing the certiorari.

Bond to be given by party obtaining certiorari.

Sec. 71. The affidavit required by section sixty-eight of this act shall within ten days after the allowance of the certiorari, be filed in the office of the clerk of said circuit court, and thereupon the said clerk shall forthwith issue a writ of certiorari in the common form heretofore in use, as near as may be.

Filing of affidavit and issue of writ.

Sec. 72. Such writ of certiorari shall within thirty days after the date thereof, or within such further time as the circuit judge or officer allowing the same, shall in such allowance direct, be served upon the judge by whom the judgment was rendered, together with the bond given and a copy of the affidavit on which the certiorari was allowed; and the sum of eight cents per folio shall be paid to the said judge for his fees for making a return to the writ, and no writ of certiorari shall be of any effect, until all the pre-

Service of certiorari & effect thereof.

ceding requisitions shall have been fully complied with; and if the certiorari, bond and affidavit shall be served upon the judge before execution issued upon the judgment, it shall stay the issuing thereof; and if the execution shall have been issued, the court issuing it shall give the party a certificate of the issuing and service of the certiorari, which being served upon the officer having the execution shall suspend the same.

Returns of
county
judge.

Sec. 73. The county judge, before the return day of such certiorari, or within ten days after the service thereof, shall make return thereto in writing and file the same; in which return he shall truly and fully answer to all the facts set forth in the copy of the affidavit on which the certiorari was allowed, and shall cause the certiorari, bond and copy of the affidavit and his return thereto, to be attached together and filed in the office of the clerk of the circuit court of his county.

Circuit court
may compel
returns.

Sec. 74. The circuit court may compel such judge to make or amend such return by rule, order or attachment, as the case may require.

How argu-
ment may
be brought
on.

Sec. 75. When such return shall be filed in the office of the clerk of the circuit court, the cause may be brought on to argument at the next term of the circuit court thereafter, without any assignment or joinder in error, unless there be an allegation of error in fact, and without furnishing any other copy or copies of the affidavit or certiorari, and return to the court or the opposite party, than those filed with the clerk.

Judgment
of circuit
court there-
on.

Sec. 76. The circuit court shall proceed in all cases of bills of exceptions, certiorari and writs of error, to give judgment in the cause as the right of the matter may appear, without regarding technical omissions, imperfections or defects in the proceedings before the county court, not affecting the merits, and may affirm or reverse the judgment of the county court, in whole or in part, or give such other judgment as justice shall require, and may in its discretion remand the cause to the county court and order a new trial. In case of a remand and order for a new trial the county court shall proceed to try such cause the same as in other cases.

Costs on
judgments
in such ca-
ses.

Sec. 77. If the judgment be affirmed, costs shall be awarded to the defendant in error; if reversed, costs shall be awarded to the plaintiff in error, unless in such judgment a new trial be ordered,

in which case the costs in such reversal shall be in the discretion of the court; and if judgment be affirmed in part, the costs may be awarded as to the court shall seem just.

Sec. 78. No judgment in a county court shall be reversed in whole merely for the omission or misrecital of an oath, nor on account of any fees having been improperly allowed by the court, nor on account of any informality or insufficiency of any bond given by the party bringing the certiorari, provided another bond to be approved by the court shall be given within such time as the court shall direct.

Judgments in county courts not be reversed for certain omissions, &c.

Sec. 79. If a judgment in the county court be collected and afterwards reversed, the circuit court shall award restitution of the amount so collected with seven per cent interest from the time of such collection, if the party claiming the award, present to the court satisfactory evidence of the fact of such collection having been so made at any time before judgment is rendered in the circuit court, and issue execution for the collection of the same.

When restitution to be awarded by circuit court.

Of Costs.

Sec. 80. So much of the provisions of chapter 149, of the revised statutes of 1846, as relates to costs and the recovery thereof in courts of law, shall be applicable to all civil actions commenced in the county courts, except as hereinbefore provided, and except also in cases of appeal from justices courts.

Costs.

Sec. 81. Either party in the county court, wishing the taxation of costs, may give forty-eight hours' notice to the other party, of said taxation; and costs in the county courts may be taxed by the clerk or the circuit court commissioner.

Taxation of costs.

Of Crimes, Misdemeanors, &c., and Proceedings therein.

Sec. 82. The county shall not be chargeable to the sheriff for any services in attending the county court, except in criminal cases, unless the judge shall enter an order in the journal of the court requiring the attendance of such sheriff.

When county chargeable for services of sheriff.

Sec. 83. Whenever, in the opinion of the judge of the county court, the prosecuting attorney and county clerk, or in the opinion of a majority of them, it shall be proper to have a grand jury, an order to that effect shall be entered in the journal of said court, which order shall specify the time at which such grand jury shall

When order for grand jury shall be entered.

be returned in said court. Upon such order being made, the clerk shall draw from the grand jury box the names of twenty-three persons to serve as grand jurors. Hereafter no grand jury shall be summoned in the circuit court.

Indictments
to be tried in
Co. courts,
unless per-
son elect to
be tried in
circuit
court—pro-
ceedings in
such case.

Sec. 84. All indictments found by the grand jury in any county court shall be tried in such court, unless the person indicted shall in writing, filed with the clerk, at the time he may be required to plead, elect to have the same tried in the circuit court; in which case the clerk shall make an entry in his journal of such election, and shall transmit the indictment and a copy of the record of the proceedings of [to] the circuit court, which shall thereafter possess said cause, with full power to try or otherwise dispose of the same, and the defendant shall stand committed, or recognize, with sureties, as the case may be, for his appearance on the first day of the next succeeding term, to the circuit court for said county. And a petit jury shall be empaneled and sworn for the trial of said causes, in the same manner as is now provided in chapter 103, of the revised statutes of 1846 for the trial of criminal causes.

When petit
jury to be
summoned.

Sec. 85. Whenever after the session of a grand jury, it shall be deemed proper by the county judge to have a petit jury summoned, he shall cause an order therefor to be entered upon the journals of the court, which order shall specify the number of petit jurors, and which shall not be less than twelve, nor more than twenty-four, and the time at which said jury is to be returned. Upon such order being made, the clerk shall draw from the petit jury box, the names of persons equal to the number mentioned in the order, who shall be summoned in the manner now required by law. In the trial in the county court of criminal causes the mode of proceeding shall be the same as heretofore in practice in the circuit court in like cases, as near as may be practicable. Hereafter no petit jurors shall be summoned in the circuit court except in cases hereinbefore mentioned.

Continu-
ance of
criminal ca-
ses.

Sec. 86. Criminal cases may be continued by the court to the next regular term of the county court and recognizance shall be taken for the appearance of the defendant on the day to which the cause is continued, and in case there shall be no jury then in attendance, a jury shall be obtained in the manner prescribed by the

thirty-second and thirty-third sections of chapter one hundred and three of the revised statutes.

Sec. 87. Every juror summoned to attend as a juror in the county court under any of the provisions of this act, shall attend and serve as such juror unless excused by the court; and for every neglect or refusal so to attend shall be subject to fine in the same manner as jurors regularly chosen and summoned to attend a circuit court.

Penalty for non-attendance as juror.

Sec. 88. That chapter ninety-two of the revised statutes of 1846, and all acts amendatory thereto; also an act to provide for holding special elections in case of vacancy in the office of county judge and second judge of the county courts, and so much of an act to regulate and define the jurisdiction of the circuit and county courts as is inconsistent with the provisions of this act be and the same are hereby repealed and all the provisions of this act shall be valid, any law to the contrary notwithstanding.

Chapter 92 of R. S. and certain acts repealed.

Sec. 89. The repeal of the acts mentioned in the preceding section, shall not affect any act done or right accrued or established; or any proceeding, suit or prosecution had or commenced in any civil case previous to the time when such repeal shall take effect; but every such right and proceeding shall remain as valid and effectual as if the provision so repealed had remained in force, except the mode of trial of appeals and the continuance of causes now pending in the county courts in civil actions.

Such repeal not to affect acts done or rights accrued.

Sec. 90. No prosecution for any offence or recovery of any penalty or forfeiture pending at the time any statutory provision shall be repealed, shall be affected by such repeal, but the same shall proceed in all respects as if such provision had not been repealed, except that all such proceedings, had after the time when this act shall take effect, shall be conducted according to the provisions thereof and shall be, in all respects, subject to said provisions.

Prosecutions pending under repealed acts to be proceeded in, &c.

Sec. 91. Any county court may upon good cause shown, change the venue in any cause or matter pending therein, and direct the issue to be tried in the county court of some adjoining county, and shall make all necessary rules and orders for certifying and removing such cause or matter to the court in which such issue or matter shall be ordered to be tried or heard; and the court to which such cause or matter shall be removed, shall proceed to hear, try and

Change of venue of actions in Co. courts.

Proceedings to and after judgment in such case.

determine the same, as if such cause or matter had been originally commenced therein: and execution may thereupon be had as in other cases, except that in all criminal cases where the defendant shall be convicted and be sentenced to imprisonment in the common jail, the court awarding sentence shall direct that the defendant be imprisoned in the common jail of the county in which the prosecu-

Criminal
jurisdiction
of county
courts.

Incorporation.

Route of
road.

Capital.

Duration of
charter—if
amendment
repeal, &c.

time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made a part of this act. General provisions.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 221.]

AN ACT to amend sections 18, 20, 24, and 28, of title 9, chapter 41, of the Revised Statutes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That sections eighteen, twenty, twenty-four and twenty-eight of title nine, chapter forty-one of the revised statutes of 1846, be and the same are hereby amended as follows: Sections 18, 20, 24 and 28 of chapter 41, R. S. amended.

Amend section eighteen by striking out the word "when" in the seventh line and inserting the word "unless," also, by striking out the word "against," in the ninth line and inserting the words "in favor of," so that said section shall stand as follows:

" Sec. 18. The township boards may severally license for their respective townships, so many persons to be tavern keepers and retailers therein as they shall think the public good may require; and the mayor, recorder and aldermen of each incorporated city, may in like manner license tavern keepers and retailers in their cities respectively: *Provided*, That no license for the sale of intoxicating liquors shall be granted in any city, village or township, unless a majority of the qualified voters thereof shall have voted at the next pre- Section 18, chapter 41, R. Statutes, as amended.

ceding township or charter election therein, in favor of the granting of such licenses as hereinafter provided."

Amend section twenty, by striking out "unless prohibited," in the second and third lines, and inserting the words "when permitted," so that said section shall stand as follows:

Section 20,
chapter 41,
R. Statutes
as amended.

"Sec. 20. The mayor, recorder and aldermen of each incorporated city and the corporate boards of incorporated villages, may, when permitted as aforesaid, license for their cities and villages respectively, as many persons to be common victuallers as they shall think the public good may require, and every such license shall contain such a specification or description as is required in the preceding section, of the street or other place, and of the building where the person so licensed shall exercise his employment; and the license shall not protect him from the penalties provided in this chapter, for exercising it in any other place."

Amend section twenty-four by striking out the words "be prohibited," in the third line and inserting the words "not have been permitted," so that said section shall stand as follows:

Section 24,
chapter 41,
R. Statutes
as amended.

"Sec. 24. Any license to a tavern keeper, retailer or common victualler, may if the applicant require it, or if a license for the sale of intoxicating liquors shall not have been permitted as aforesaid, be so framed as to authorize the licensed person to sell beer, ale, cider, or any other fermented liquors, except wines, and not to authorize him to sell brandy, rum or any other spirituous liquors or wines; in which case the sum to be paid for such license shall not be less than two nor more than eight dollars."

Amend section twenty-eight by striking out all after the word "box," at the end of the fourth line, so that said section shall stand as follows:

Section 28,
chapter 41,
R. Statutes
as amended.

"Sec. 28. Each person qualified to vote for the officers to be elected at such election, may deliver to the inspectors, or one of them, a ballot having written or printed thereon the word "license," or the words "no license," which ballot shall be deposited in said box."

Approved April 2, 1849.

LAWS OF MICHIGAN.

[No. 222.]

ACT to amend an act entitled "an act to incorporate the Jackson Mining Company of Jackson."

1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That section one of an act entitled "an act to incorporate the Jackson mining company of Jackson," is hereby amended by striking out all after the 5th line of said section and inserting the following therefor: "Jackson iron company for the pur-
ing and the manufacturing of the same in its various
supplying coal and ore for the business aforesaid
of the state of Michigan," so that the section
shall read as follows:*

*acted by the Senate and House of Representatives of the State of Michigan, That William A. Ernst, John Fairchild Farrand and Philo M. Everett, associated with them, are hereby con-
the name of the Jackson iron com-
making and manufacturing the same
supplying coal and ore for the busi-
ness of the state of Michigan."*

*act is hereby repealed and the
stand as said section:*

*to said company whether
capital actually paid in upon
all sums of money bor-
owed of any portion of the
said company, which
company, shall be liable to
pay where the same
as any other real
property affected by distress
collector of the
may be found in
state owned
in the same manner*

Title of act
amended.

Sec. 3. That the title of said act be and the same is hereby amended by striking out the word "mining" and inserting the words "iron manufacturing," in lieu thereof, so that said title as amended shall read as follows: "an act to incorporate the Jackson iron manufacturing company of Jackson."

Approved April 2, 1849.

[No. 223.]

AN ACT to incorporate the Grand Rapids Hydraulic Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George Coggershall, Thomson Sinclair, Charles Shepard, Canton Smith and James M. Nelson, and their present and future associates, their successors and assigns, be, and they are hereby created a body corporate and politic, by the name of the "President and directors of the Grand Rapids hydraulic company," and are hereby ordained, constituted and declared to be, forever hereafter, a body corporate and politic in fact and in name; and by that name, they and their successors shall, and they may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and also, that they and their successors, by the same name and style, shall be in law, capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation, provided that the real and personal estate so to be holden, shall be such only as shall be necessary to promote or attain the objects of this incorporation.

Real estate
of Co.

Capital
stock—sub-
scriptions
hereto, &c.

Sec. 2. That the capital stock of the said corporation shall not exceed thirty thousand dollars, and that a share in the said stock shall be fifty dollars; and that subscriptions to the said capital stock shall be opened, and kept open under the direction of said president and directors, until the whole number of shares subscribed amount to six hundred shares, when the said president and direct-

LAWS OF MICHIGAN.

rs may commence operation under this act, and may make there-
er, from time to time such regulations concerning further sub-
tions to stock, as to them shall seem proper to enable the said
any to enlarge or carry into operation their works; and espe-
is to when further subscriptions to the capital stock may be
nd made, and what amount of stock, from time to time
ubscribed, until the whole, or any part of said capital
be subscribed.

at the stock, property and concerns of said company Dir :
ected and managed by five directors, who shall be the
nd residents of the said village of Grand Rapids, elec
hall hold their office for one year from the first
in every year; and the said directors shall be
uesday in May in every year, at such time of
within the village of Grand Rapids, as the
ing, or a majority of them shall appoint;
shall be given by said directors, not less
to the time of holding the said election,
erted in at least one public newspa-
nd the said election shall be made by
e said company as shall attend for
sons, or by proxy, which proxies
lections shall be by ballot: and
atest number of votes at any
it shall happen at any elec-
an equal number of votes
of persons than five shall,
n as directors, then the
o vote at such election,
plurality of votes de-
al number of votes
te the whole num-
e after their elec-
e of their num-
to be elected,
Rapids, the
as vacant:
n among



the directors by death, resignation, removal or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them shall appoint: That the first directors shall be George Coggershall, Thomson Sinclair, Charles Shepard, Canton Smith and James M. Nelson, who shall hold their offices until the first Tuesday of May next: and the said first directors, at their first meeting shall proceed to appoint their president.

Powers of
Directors.

Sec. 4. That the directors shall have power to appoint the time and place of all meetings for the despatch of business, to appoint all such officers, agents, clerks, superintendents and servants, as they shall deem necessary for carrying into effect the powers by this act vested in said company, and to establish rules and regulations for and concerning the conduct and government of such officers, agents, clerks, superintendents and servants.

Objects of
incorpora-
tion and
powers of
Co. in rela-
tion thereto.

Sec. 5. That it shall be lawful for the said company and any person or persons employed by them or acting under their authority, to enter into and upon, and freely to make use of, for the sole purposes contemplated by this act, any land which may be necessary for the purpose of conducting a plentiful supply of pure, wholesome water to the said village, for the use of the inhabitants of said village, and to supply reservoirs for extinguishing of fires. Said supply of water shall be obtained from the springs of water in and about said village; from Cold Brook; from the lake or lakes, from which it has its source, or from either of them, and from no other source; and to erect any dam or other works across said Cold Brook or springs where they shall judge proper for the purpose of raising the water of said Cold Brook, springs, lake or lakes, and to construct, dig, or cause to be opened, any trenches for the conducting of such water from said springs, Cold Brook, lake or lakes, that they may see fit; and to raise and construct such dykes, mounds or reservoirs as they may judge proper for securing and conveying such supply of water as aforesaid to the said village. The said Grand River hydraulic company shall not use the water or improvements made or obtained under this act of incorporation for the purpose of propelling any machinery, or for any other purpose than that of supplying the village of Grand Rapids with a pure,

wholesome supply of water for household purposes and domestic uses, and to supply reservoirs for the extinguishing of fires; and the said company shall not, in any manner, injure or interfere with any water power; and to agree with the owner or owners of any lands, tenements or hereditaments that may be damaged or affected by any of the said operations, for and about a reasonable compensation to be made to him, her, or them for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or any of them, or for any damage which he, she or they or any of them may sustain, by the employing, diverting or obstructing any such stream or streams, or using any such lands, or the cutting, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dykes or mounds as aforesaid, but in case of any disagreement, or in case the owner of any such lands, tenements or hereditaments, shall be femme covert, underage, non compos mentis, or out of the state, then it shall be lawful for the judges of the supreme court of this state, or any one of them, upon the application of either party, to nominate and appoint three indifferent persons to view, examine and survey the said lands, tenements and hereditaments, and to estimate the injuries sustained as aforesaid, and to report thereupon to the said judge or judges, without delay, and upon the coming of such report, and the confirmation thereof by the said judge or judges, the said president, directors and company shall pay to the said owners respectively, the sums mentioned in such report, in full compensation for the said lands, tenements and hereditaments, or for the injury sustained as aforesaid, as the case may be. And upon such payment, the property so taken and valued shall immediately thereupon vest in said company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof, for such term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the said judge or judges, and make claim to such lands, or shall not appear to demand or accept the money assessed as the valuation in any such case, then a deposit with the treasurer of the county of Kent, of the amount of money assessed as the valuation or damages in manner as aforesaid, together with a certified copy of the said report, shall be considered equiv-

May agree with owners of land, &c. for compensation to be paid therefor.

Proceedings in case of disagreement.

Report of jury of view and proceedings thereupon.

the same; and the treasurer of said county shall receive and keep account of all moneys so received into the said county treasury, and shall pay them to the parties entitled thereto, on the order of the said judge or judges, for said county; and such assessment of damages when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company, in favor of the person or persons to whom damages were awarded in manner aforesaid, and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed in manner aforesaid. The said three indifferent persons to be appointed as viewers, and to appraise the damages as aforesaid, shall receive such compensation for their services as the said judge or judges may, in their discretion deem proper and just, which shall be paid by the said company upon the order of said judge or judges. And the said company and all those who have acted under them, shall be acquitted from, and freed from responsibility for or on account of any such injury. But nothing in this section shall be construed to grant any rights, or give any privileges inconsistent or repugnant to the constitution of this state or of the United States.

Notice of
application
for apprais-
al of dama-
ges.

Sec. 6. Whenever application shall be made to the said judge or judges by either party to nominate three indifferent persons to view, examine and survey the said premises as hereinbefore prescribed, for the purposes of ascertaining and assessing said damages, previous notice of such application shall be given to the owner or occupier of such premises, either by personal service of such notice ten days before making such application, or by public advertisement, for three weeks previous to such application, in some newspaper printed in Kent county; and if there be no such paper printed in said county, then such notice shall be published in the state paper, if there be one; and if there be none, then in some newspaper nearest the place where such works are proposed to be constructed. Such notice to describe the lands, tenements and hereditaments proposed to be taken by said company, or touching which damages are to be assessed, by the section or quarter section, or any other legal subdivision, or if in a village, by the section, block or number of the lot, or by some suitable or proper description. And

evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, such affidavit to be made within three months after the last publication of such notice, shall be prima facia evidence of such facts set forth.

Sec. 7. That it shall be lawful for the said company hereby incorporated, and for all and every persons employed by, or under them, for the purposes contemplated by this act, from time to time, to enter upon any lands contiguous or near to said stream, fountains, aqueducts, dams or other works, or the places which may be selected for, and intended to be used and employed for the same, with carts, wagons and other carriages, and beasts of draught and burthen and all necessary tools and implements both for executing and making, and also for altering and repairing said works, or any of them, and to take and carry away timber, stone, gravel, sand or earth, from the same, for the making, altering or repairing of the said works, or any of them, subject always to the making compensation for all actual damages thereby occasioned, either by agreement of parties or in the mode hereinbefore prescribed.

Company
may enter
upon lands,
&c.

Sec. 8. That it shall be lawful for the president and directors of said company, from time to time, to make and establish such by-laws and ordinances as they may think fit and proper, and as may be consistent with the constitution and laws of this state and the United States, for conducting and managing the affairs of said company, and for conducting and preserving the said works and every of them, and for conveying, employing, distributing and disposing of the water so as to be conducted as aforesaid, and for carrying into effect all the objects and purposes of said corporation: and may also agree with the corporation of the said village of Grand Rapids, the inhabitants of said village, and others choosing to use or take said water, regarding the rates at which the same shall be paid for: **Provided,** That the said company shall within five years from the passage of this act, furnish and continue with no unreasonable delay, a supply of pure and wholesome water, sufficient for the use of all such citizens dwelling in the said village, as shall agree to take it on the terms to be demanded by said company: in default whereof, the said corporation shall be dissolved.

By-laws of
company.

Sec. 9. That it shall be lawful for said directors to call and de-

by them subscribed, or to be subscribed, at such times, and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president, directors and company.

Trespasses
on works of
company.

Sec. 10. That if any person or persons shall wilfully do, or cause to be done, any act whatsoever, whereby the said works, or any pipe, conduit, canal, water-course, mound, plug, cock, reservoir, dyke, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, or injured, the person or persons so offending, shall forfeit and pay to the said company treble the amount of damages sustained by means of such offence or injury, to be recovered by such company with costs of suit, and by action of debt in any of the courts of this state, which action shall in every instance be considered as transitory in its nature, and shall and may be triable in any county in this state.

General provisions.

Sec. 11. Said company shall be entitled to all the benefits, and subject to all the restrictions of chapter fifty-five of the revised statutes of 1846, so far as the same be applicable and not inconsistent with this act. The legislature may at any time hereafter amend or repeal this act.

Approved April 2, 1849.

[No. 224.]

AN ACT to incorporate the Union Mining Company.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Ramsay Crooks, Joar J. Palmer, Daniel S. Miller, Robert Hyslop, Charles W. Burp and John R. Livingston, and others who shall be associated with them, are hereby constituted a body corporate by the name of the Union mining company, for the purpose of mining, smelting and manufacturing ores, minerals and metals: *Provided,* That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing of any stock of any bank, or for any other purposes than those here-
• in particularly specified.

Sec. 2. The said company shall have corporate succession, its capital stock shall be one hundred and fifty thousand dollars, divided into ten thousand shares of fifteen dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as the business of said company may require to an amount not exceeding the capital stock.

Capital stock and shares thereof.

Sec. 3. The officers of said company shall consist of a president and a board of five directors, each owning in his own right not less than twenty shares of stock, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell said shares for non-payment of any such assessment, in such manner as their by-laws shall prescribe: *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan upon whom the service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said mining company.

Officers of company.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the state treasurer, verified by their several oaths or affirmations, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money, which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all other state taxes upon the real estate of said company, and any investment of any portion of the net profits of said company in the business of said company shall be considered as so much capital paid in and shall be included in the returns to the state treasurer, hereinbefore required.

State tax & annual report.

1st meeting. Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of inhabitants of this state—how enforced, &c. Sec. 6. Any inhabitant of the state of Michigan shall have a lien upon the stock, appurtenances and entire property of said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company: and any person may enforce said lien by filing with any court having jurisdiction thereof, an affidavit showing to the satisfaction of said court that he has claim under the provisions of this section, and such court may thereupon issue an attachment against the property of such company, and the same proceedings may be thereupon had as in other cases.

General provisions. Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this state, so far as the same may be applicable.

Business of com. Sec. 8. The said company shall, within six months after the passage of this act, by a vote of the board of directors, locate their business office or offices, and file in the office of the secretary of state, (of Michigan,) a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by laws of the company, by its board of directors, may designate and direct.

Duration of charter—its amendment, repeal, &c. Sec. 9. This act shall take effect and be in force for thirty years from and after its passage; and the legislature may at any time alter, amend, or repeal this act after the limitation thereof, by a two-third vote, or at any time for a violation of the provisions thereof.

Office of company. Sec. 10. The said company shall within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the secretary of state, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at

such place as the by-laws of the company may designate and direct.

Approved April 2, 1849.

[No. 225.]

AN ACT in relation to Testimony in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That on the trial of any cause between any person and any railroad company of this state or the agent or servant of such railroad company, wherein payment is claimed for any article or articles of traveling baggage retained or lost by said company, or their agent or servant, the owner of such baggage shall be permitted to testify in open court in relation to the contents and value of the said article or articles of baggage; and such testimony so given shall have the same effect as if the person so testifying had no interest in the result of such suit: *Provided*, No judgment shall be rendered on such testimony alone, for a greater sum than one hundred and fifty dollars.

Owners of lost baggage may testify in suits vs. R R Co. for recovery of the value thereof.

Sec. 2. Suit may be brought for any article or articles of baggage lost or detained, against the railroad company to whom the same was delivered, or against the agent or servant of such company to whom the same was delivered.

Approved April 2, 1849.

[No. 226.]

AN ACT providing for the payment of the Fees of certain officers for services rendered in criminal cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if any person accused of and about to be tried for any crime or misdemeanor, shall make it appear to the satisfaction of the judge presiding over the court where in such trial is to be had, by his own oath or otherwise, that there is a material witness for his defence within the jurisdiction of the court, without whose testimony he cannot safely proceed to trial (giving the name and place of residence of such witness;) and that the accused is poor and cannot obtain the means to pay for

Defendants witness fees in criminal cases to be paid by Co. in certain cases.

subpoenaing such witness, the judge may, in his discretion, grant an order requiring the proper officer to cause any such witness or witnesses as he may think proper, to be subpoenaed; the expenses whereof shall be audited and allowed the same as other proper charges against the county.

Approved April 2, 1849.

[No. 227.]

AN ACT to alter and lay out a certain State Road.

Comm'rs to
alter certain
road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Elijah F. Bissell, Augustus E. Burnes and John F. Gilkey or a majority of them be and they are hereby authorized to alter, lay out and straighten the road leading from the village of Allegan, in the county of Allegan, through the county of Kalamazoo to the village of Battle Creek, in the county of Calhoun, in such a manner as they, in their discretion may deem proper; and shall file the surveys of such alterations in the office of the township clerk of each township in which such alterations shall be made, and it shall be the duty of each township clerk to record the same in the record book of the township through which said road may pass.

State not li-
able for ex-
penses
thereof, &c.

Sec. 2. That the state shall not be liable for any damages that may arise from the laying out and working of those portions of said road so altered as aforesaid, or for any expenses or damages sustained by the reason of this act; and in case the said road shall not be laid out, straightened and altered as aforesaid, in one year from the passage of this act, the provisions herein contained shall be void.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 228.]

AN ACT to authorize the Supreme Court to make Rules regulating the practice in the Circuit and County Courts, in case where a non-joinder or mis-joinder of parties occur.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supreme court shall have power and it shall be its duty to establish rules for the circuit and county courts for the following purposes, to wit:

Supreme court to establish rules for circuit and county courts in certain cases.

1st. To effectually prevent the defeat or abatement of any civil suit *ex contractu* for either any non-joinder or mis-joinder of parties where the same can be done consistently with justice.

2d. To provide for all necessary amendments of process, pleadings or other proceedings in such case.

3d. To provide the manner by which a discontinuance may be entered against parties improperly joined in any suit, and by which parties improperly omitted may be joined in the suit and brought in to answer thereto, if within the jurisdiction of the court.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 229.]

AN ACT to lay out, alter and establish a Public Highway on Section one, Township two North, of Range eleven East, in the Township of Troy, in the county of Oakland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways of the township of Troy, in the county of Oakland, be, and they are hereby appointed commissioners, whose duty it shall be to examine the highway which now runs in a west or southwesterly direction across section one, town two north, of range eleven east, in the township of Troy, in said county, and to make such alterations in and lay out and establish such highway as they shall deem necessary and proper.

Highway comm'rs of Troy to alter certain road.

Sec. 2. That said commissioners, or a majority of them, shall cause an accurate survey and plat of said highway to be made, as they shall alter or lay out the same on said section one, and shall

Survey of road to be filed.

file said plat and survey in the office of the township clerk of said township of Troy, within ninety days from and after the passage of this act; and the said township clerk shall forthwith endorse thereon the day of the filing thereof, and record the same at full length in some proper book to be kept in his office; and upon filing the survey and plat aforesaid, the land described in said survey and plat shall be a public highway.

Payment of
expenses.

Sec. 3. That the expenses of altering, laying out and establishing such highway shall be paid out of the township treasury of said township of Troy.

Power of
commissioners.

Sec. 4. The said commissioners to have the same power as commissioners of high ways of townships now have in adjusting and satisfying the damages which may be claimed by any person through whose lands such highway shall be laid, and in case of disagreement as to the amount of damages, the same proceedings to be had as are now provided by law.

Sec. 5. This act shall take effect from and after its passage.

Approved April 2, 1849.

[No. 230]

AN ACT to revive and continue in force certain sections of an act entitled "an act to prescribe the powers and duties of Justices of the Peace in civil proceedings," approved April 9th 1841.

Certain sec-
tions of act
No. 49 of
1841 revived
and amend-
ed

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That sections 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135 of an act entitled "an act to prescribe the powers and duties of justices of the peace in civil proceedings," approved April 9, 1841, be and the same are hereby revived and continued in force.

Sec. 2. That section 119 be amended by striking out the word "circuit," and inserting in lieu thereof the word "county." That section 120 be amended by striking out the word "circuit," and insert "county." That section 121 be amended by striking out the word "sixty," and insert "fifteen," strike out also the words "one of the justices of the supreme court," and insert the "circuit court commissioner," also the word "circuit," in the twelfth line of said section, and insert "county." That section 123 be amended by stri-

king out the word "supreme," and insert "county." That section 125 be amended by striking out the word "circuit," and inserting "county." That sections 129, 130, 131, 132 and 133 be amended by striking out the word "circuit," wherever it occurs in said sections and insert in lieu thereof the word "county."

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 231.]

AN ACT in relation to the terms of the Supreme Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That a term of the supreme court of the state of Michigan shall be held in the fifth judicial circuit at Grand Rapids, in the county of Kent, in each and every year, at a time to be appointed by the judges of the said supreme court, which shall be in addition to the terms now held in pursuance of law.

Term of
Sup. court
to be held in
5th circuit
at Grand
Rapids.

Sec. 2. The said court may direct a special term thereof to be held at the place above named whenever they shall deem it necessary, by an order therefor, which they shall cause to be published at least thirty days before the time appointed, in some paper printed at the seat of government.

Special
term in said
circuit, &c.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 232]

AN ACT to authorize Richard H. Conner to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Richard H. Conner be, and he is hereby authorized to execute a deed or deeds in due form, of the pieces or parcels of land described in a certain deed bearing date the ninth day of August, A. D. 1847, executed by Basilique

R. H. Con-
ner author-
ized to con-
vey real
estate.

St. Aubain, of the township of Hamtramck, in the county of Wayne, state of Michigan, to Basilique Elizabeth Conner, wife of the said Richard H. Conner, and recorded in the register's office of the said county of Wayne, in liber number thirty three, folio one hundred and sixty-nine and one hundred and seventy, to any person or persons who may purchase the whole or any part thereof; and any such deed or deeds duly executed and recorded shall be deemed a legal conveyance to the grantees therein named, as fully as if the same had been executed by the said Basilique Elizabeth Conner in person in her life time.

Grantor to
give bond,
&c.

Sec. 2. Before the said Richard H. Conner shall sell the said pieces or parcels of lands, and execute any deed or deeds therefor, under the provisions of this act, he shall execute and deliver to the judge of probate of the said county of Wayne, a bond in such penalty as said judge shall direct, conditioned that he, the said Richard H. Conner, will invest the proceeds of such sales in other real estate, or in some productive stock, or put the same at interest for the benefit of the heirs of the said Basilique Elizabeth Conner. *Provided*, That no sale by the said Richard H. Conner shall be valid or binding unless the judge of probate of the said county of Wayne shall endorse upon the deed or deeds to be executed his approval of such sale.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 233.]

AN ACT to amend section four of chapter one hundred and sixteen of the Revised Statutes of 1846.

Section 4 of
chapter 116
of R. S. a-
mended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four of chapter one hundred and sixteen of the revised statutes of 1846, be amended by adding to said section four the following: "And when it may be necessary to institute suit against any corporation which may have ceased to do business or to keep up its organization by the appointment of officers or otherwise, it shall be competent to serve any writ, declaration or other process in such suit, on either of the per-

sons who may have been the last presiding officer, president, cashier, secretary or treasurer thereof; and such service shall be as effectual to all intents and purposes as if made on such corporation: and in every such case where by the existing provisions of law, the property of individual members of any such corporation vested in its corporate funds, or the shares or stock of any individual member in such corporation are subject to be levied upon by virtue of any execution, attachment or other process, for the payment of his individual debts, such levy may be made by leaving with any of the persons aforesaid, or with the officer or person having the custody of the books of such corporation, an attested copy of such execution, attachment or process; and such property, funds or stock may be sold as is now provided by law."

Approved April 2, 1849.

[No. 234.]

AN ACT in relation to the Recorder of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the recorder of the city of ^{Powers of recorder of Detroit.} Detroit, shall have and exercise the same powers as are now exercised by the circuit court commissioner of the county of Wayne.

Sec. 2. The recorder is authorized to demand and receive the ^{Fees.} same fees for the services so rendered as are now by law permitted to be demanded and received by the circuit court commissioner.

Sec. 3. This law shall take effect immediately after its passage.

Approved April 2, 1849.

[No. 235.]

AN ACT to incorporate the Grand Lodge of Free and Accepted Masons of the state of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jeremiah Moors, as grand ^{Incorporation.} master, Paul B. Ring, as deputy grand master, John Stewart, as grand senior warden, William H. McCumber, as grand junior warden, Levi Cook, as grand treasurer, and James Fenton, as

grand secretary, with their associates and successors, be and they hereby are incorporated and declared a body politic and corporate in deed and in law, by the name and style of the grand lodge of free and accepted masons of the state of Michigan.

Powers of
corporation.

Sec. 2. Said grand lodge shall have succession and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors shall have a common seal and may change and alter the same at their pleasure; and that they and their successors by the same name shall be persons in law capable to purchase, take, receive, hold and enjoy, to them and their successors, estates real and personal provided that the value of such real and personal estate not exceed the sum of ^{\$500} twenty thousand dollars, and that they and their successors shall have full authority and power to give, grant, sell, lease, demise and dispose of the said real and personal estate or any part thereof at their will and pleasure; and that they and their successors shall have power from time to time, to make, constitute, ordain and establish such by-laws, ordinances and regulations as they shall judge proper for fixing the times and places of the meeting of the said corporation, and for regulating all the affairs and business of the said corporation, provided such by-laws and regulations shall not be repugnant to the constitution and laws of the United States, or of the state of Michigan.

General provisions.

Sec. 3. This act shall be subject to the provisions of chapter fifty-five of the revised statutes of 1846, so far as the same may be applicable.

Restrictions
as to bank-
ing, &c.

Sec. 4. It shall not be lawful for said company to use their funds or any part thereof, in any banking or brokerage, or exchange, or in buying or selling money, or bank notes, or in any other business whatever, except that especially provided for by this act.

Liability of
stockhold-
ers.

Sec. 5. The stockholders of this corporation shall be individually liable for all debts incurred by said company to the amount of stock by each of them severally held: *Provided*, That the corporate property shall be first exhausted, before the private property of any member of said company shall be taken.

Sec. 6. The legislature may at any time alter, amend or repeal this act.

Approved, April 2, 1849.

[No. 236.]

AN ACT to incorporate the St. Clair Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Pierre G. Wright, Charles Kimball, Horatio N. Monson, Simeon B. Brown, Harmon Chamberlin, John E. Kitton and Marius H. Miles, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the St. Clair plank road company. and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby created a body corporate and politic by the name and style of the St. Clair plank road company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the village of St. Clair in the county of St. Clair. to such point in the town of St. Clair, on the line of the Fort Gratiot turnpike as the company shall judge best, with the right of uniting said road at any point with the plank road of any other company. Route of road.

Sec. 3. The capital stock of said company shall be twenty thousand dollars in four hundred shares of fifty dollars each. Capital stock.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature, that there has been a violation by the company of some of the provisions of this act: *Provided,* That after said thirty years, no alterations or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter—its amendment, repeal, &c.

General provisions.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March 13th, 1848, shall be and are made a part of this act.

Sec. 2. This act shall take effect from and after its passage.

Approved April 2, 1849.

[No. 237.]

AN ACT to vacate certain village plats in the counties of Calhoun and Ottawa.

Part of village plat vacated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all that part of the plat of the village of Tekonsha lying east of Mason street, also all that part of said village lying on the south side of the mill race, from Mason street westertly to where said race terminates in the river; also all that part of said village lying south of the river from the point where the race terminates in the river, be and the same is hereby vacated.

Village plats of Victoria and Port Sheldon vacated.

Sec. 2. The village plats of the villages of Victoria and Port Sheldon, in the county of Ottawa, shall be and are hereby vacated; and hereafter the lands upon which said villages were platted, shall be assessed in the same manner as other lands are upon which village plats have not been made.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 238.]

AN ACT relative to convicts sentenced to solitary imprisonment in the State Prison for life.

Convicts sentenced to solitary confinement to be employed as other convicts, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the convicts which have been or may be sentenced to "solitary confinement in the state prison at hard labor for life," may be released from solitary confinement and employed as other convicts are, whenever and for such times as the inspectors may by resolution direct, until such time as

proper cells are prepared to enable such sentence to be fully enforced.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 239.]

AN ACT to create a road fund for the benefit of the State Road between Lansing, Ingham County, and Eaton Rapids, in Eaton County, and to authorize the appointment of a Commissioner to expend the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That for the purpose of improving the road leading from Lansing, in the county of Ingham, to Eaton Rapids, in Eaton county, there is hereby appropriated to be expended, as hereinafter provided, the unexpended highway tax which was assessed for the year 1848, and all the highway tax which may be assessed for the present year, and for the three next succeeding years, upon the lands owned by non-residents upon the line of said road, within a distance of two miles each way from the centre thereof: *Provided*, That if any lot or description not exceeding eighty acres of land (owned by non-residents as aforesaid,) shall be partially embraced within said limits, and extend beyond said two miles, the highway tax upon said description, shall be deemed appropriated as aforesaid.

N R high-
way taxes
appropri-
ated on cer-
tain road.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the governor is hereby authorized to appoint a special commissioner; and said special commissioner, in expending the moneys that may be subject to his control by the provisions of this act, shall be governed by the laws, so far as the same may be applicable, which are now or may hereafter be in operation for the government of township highway commissioners: and said special commissioner, before entering upon the duties of his office, shall take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county.

Special
com'r—his
powers and
duties.

List of non-
resident
lands to be
made by
com'r, &c.

Sec. 3. It shall be the duty of said special commissioner, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, upon the line of the road for which he was appointed, and deliver the same to the treasurer of the county, who shall thereupon open an account with the Lansing and Eaton Rapids road fund, and credit to said fund all moneys then in his hands or which may thereafter be paid into his office as non-resident highway taxes upon any of the lands described in said lists, and which are within the purpose of this act, and shall charge said fund with all moneys which may be drawn from it by the said special commissioner, in pursuance of the provisions of the next section of this act.

Payment of
contractors.

Sec. 4. It shall be the duty of said special commissioner, in payment for any labor performed or materials furnished in the improvement of said road under his direction, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon for the amount due such person upon the Lansing and Eaton Rapids road fund, and it shall be the duty of the county treasurer of the county to pay the same out of any moneys belonging to said fund.

Compensa-
tion of com-
missioner—
now audited
and paid.

Sec. 5. Said special commissioner shall be entitled to receive a sum not exceeding one dollar per day for the time actually employed by him in discharging the duties which this act imposes upon him, and his account for the same verified by his oath, shall be audited by the board of supervisors of Eaton county and shall be paid out of any moneys belonging to his portion of the Lansing and Eaton Rapids road fund in the treasury of that county.

Vacancy,
how filled.

Sec. 6. In case of the death, resignation or refusal to serve, of any commissioner appointed under this act, the governor is authorized to appoint another, whose duties and obligations shall be the same as if originally appointed,

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

LAWS OF MICHIGAN.

[No. 240.]

AN ACT appropriating certain Non-resident Highway Taxes for the improvement of the Road running from the village of Howell, in the county of Livingston, through the Townships of Hartland, Highland and White Lake, to the village of Pontiac, in the county of Oakland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all such non-resident highway taxes as may be collected for the year eighteen hundred and forty-eight, and for five years thereafter, for one mile each way from the centre of the road running from the village of Howell, in the county of Livingston, through the townships of Hartland, Highland and White Lake, to the village of Pontiac, in the county of Oakland, shall be appropriated for the improvement of said road.

Sec. 2. A special commissioner shall be appointed by the governor, who in expending all moneys which may become subject to his control by the provisions of this act, shall be governed by the same laws, as far as they are applicable, as are now or may hereafter be in operation, for the government of township highway commissioners.

Sec. 3. It shall be the duty of said special commissioner before entering upon the duties of his office, to take and subscribe an oath to faithfully perform said duties, and also to file in the office of the county treasurers of Oakland and Livingston counties, a bond in the penal sum of five hundred dollars each, with two or more good and sufficient sureties to be approved by said treasurer, for the faithful discharge of the duties imposed upon him by virtue of this act, and in default thereof, it shall be the duty of said county treasurers to prosecute the same in the manner prescribed by law for the prosecution of bonds against county officers.

Sec. 4. It shall be the duty of said special commissioner, on or before the first day of September next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the county treasurer, who shall thereupon open an account with the Livingston and Oakland road fund, and credit to said fund all moneys which may be in his hands, or may hereafter be paid into his office, for non-resident highway taxes upon any of the

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land described in said list, and charge said fund with all moneys drawn by said special commissioner.

Payment of
contractors.

Sec. 5. It shall further be the duty of said special commissioner, to issue his certificate to any person who may be entitled to the same, in payment for labor performed, or materials furnished for the improvement of said road, stating the facts as they exist, and draw his warrant thereon for the amount due said person, upon the county treasurer of the county, where said labor or materials are done or furnished, who shall pay the same from any moneys in his hands standing to the credit of said road fund.

Compensa-
tion of com-
missioner—
how audit-
ed and paid.

Sec. 6. The said special commissioner shall be entitled to receive as compensation for any services rendered, in discharge of the duties imposed upon him by this act, the sum of one dollar and fifty cents per day, for the time employed in carrying out the provisions, and his accounts for such time, verified by his oath, shall be audited by the board of supervisors of the counties of Livingston and Oakland, and shall be paid from any moneys standing to the credit of said fund: *Provided*, That nothing in this act shall be so construed as to contravene any act for the improvement of roads crossing this road.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 241.]

AN ACT to authorize Adrian Union School District number one to borrow money for the purposes therein mentioned.

Loan au-
thorized to
be raised by
Adrian Un-
ion S Dis-
trict No. 1.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for the legally constituted officers of Adrian union school district number one, to borrow, on the faith and credit of said district, any sum of money not exceeding ten thousand dollars, for a term not exceeding fifteen years, at a rate of interest not exceeding seven per centum per annum, and to execute bonds therefor, under the seal of the corporation of said district, (said seal to be such as the said school district shall adopt) and the signatures of the said officers of said dis-

trict: *Provided*, That no such loans or bonds shall be made as aforesaid, until after the subject shall have been submitted to the qualified electors of said district, for their approval or rejection.

Sec. 2. For the purpose of determining whether said loan shall or shall not be made, the electors of said district may at an election to be held in said district, on the first Monday in June next, vote thereon by ballot, and every ballot in favor of said loan shall have written or printed thereon the word "loan—yes," and every ballot against said loan, shall have written or printed thereon the words "loan—no." The officers of said district shall give notice of the said election, which shall be held on the first Monday of June next, as aforesaid, by publishing a notice thereof in one or more newspapers published in the village of Adrian, which said notice shall state the name [time] and place of holding such election, and the purpose for which the same is to be held, and shall cause said notice to be published for three weeks successively, previous to the time of holding said election. The officers of said district shall act as inspectors of said election, and shall be first sworn to the faithful discharge of their duties, as such inspectors. All ballots given for or against such loan at such election, shall be received and counted by the inspectors of such election, and the result of such vote shall be certified by such inspectors, and placed on file in said district and recorded in the record book of said district, and no such loan as aforesaid shall be made unless it shall appear from such certificate that a majority of the lawful electors voting at such election shall have voted in favor thereof.

Assent of electors of said district required.

Sec. 3. The money to be borrowed by authority of this act, shall be invested and expended in the building of a school house in said district, and for no other purpose.

Investment of proceeds of loan.

Sec. 4. This act shall take effect from and after its passage.

Approved April 2, 1849.

[No. 242.]

AN ACT to vacate the Plat of the Village of Sharon, in the County of Washtenaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the recorded plat of the vil-

Village plat of Sharon vacated.

lage of Sharon, situate in the county of Washtenaw, and lying upon the east half of the south east quarter of section twenty-nine, (29) in township three (3) south of range three (3) east, as the same is recorded in the office of the register of deeds of said county of Washtenaw, be and the same is hereby vacated, and the right, title and interest of, in, and to all streets, alleys and public squares in the plat hereby vacated, shall revert to and vest in the person or persons who are or were the lawful owner or owners of said plat, or any lot or lots thereof, on the day of the date hereof, and to his or their heirs forever; *Provided*, That if either of the said streets shall now be used in connection with, or as any portion of any public highway, the same shall be excepted from the operation of this act.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 243.]

AN ACT to incorporate the village of Port Huron.

Village of
Port Huron
incorporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the township of Port Huron, embraced within the following limits, to wit: commencing on the bank of the St. Clair river, one half mile below the mouth of Black river, thence west one half mile, thence north to the south line of the United States military reserve, thence east along said south line to the St. Clair river, and thence southerly along said St. Clair river and including all wharfs and anchorages therein, to the place of beginning, be and the same is hereby constituted a town corporate, to be known by the name of the village of Port Huron.

Annual election of officers.

Sec. 2. The electors of said village may meet at some convenient place therein, on the first Monday of May next, and on the first Monday of May in each year thereafter, and proceed to the election by a plurality of votes, of a president, recorder, six trustees, two assessors, a marshal and treasurer, who shall hold their offices respectively for the term of one year and until their successors are elected and qualified, and if an election shall not be held on the day

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by-laws, rules and regulation for the government of said village, and the same to alter, repeal or re-ordain at pleasure. To provide for the election of any subordinate officers that may be deemed necessary, and to prescribe their duties; and to prescribe the duties of the marshal and treasurer, and the fees they and the recorder shall receive for their services, and fix the necessary security for the performance of their duties; to prescribe reasonable fines and penalties for the violation of the by-laws and regulations of the corporation; to provide for security against fires; to provide for the construction of suitable side-walks and for the improvement of the streets, lanes and alleys; to provide for the removal of nuisances and obstructions from the side-walks, streets, alleys, commons and all other places within said village: and for the preservation of the public health, they shall be a board of health for said village, and shall have the same powers for said village that township boards of health now have by law in their respective townships, and the recorder shall keep a record of their proceedings as such board of health in the records of said village.

Ibid.

Sec. 8. The corporate board of said village shall be subject to and have the privileges and benefits of all general laws prescribing the duties of or granting powers to city or village corporations.

Semi-annual statement of receipts and expenses.

Sec. 9. The president and trustees shall once in each six months make out and publish a correct statement of the receipts and expenditures of the preceding six months.

Village taxes.

Sec. 10. The electors of said village in legal meeting assembled shall have power to lay taxes on all real and personal estate in said village, not exceeding one per cent. upon said real and personal estate in one year, and shall by vote, viva voce, determine at such meetings the amount of said taxes.

Special meeting.

Sec. 11. In case the first meeting above provided for shall fail to be held on the day above prescribed, then any five of the electors of said village may call said meeting at any other time at some convenient place, giving notice thereof as hereinafter provided to be given by the president or senior trustee for other meetings.

Notice of meetings.

Sec. 12. All meetings of said village for the election of officers, levying taxes, or for any other purpose, shall be called by the pres-

LAWS OF MICHIGAN.

three public places in said village, at least six days before the time of holding said meeting, specifying therein the time and place said meeting, and the purpose for which the same is called.

Sec. 13. The president and trustees shall make out a tax roll duplicate, giving the valuation of the property in said village, as assessed by the assessors, with the amount taxed to each taxpayer and parcel of property assessed and taxed, and shall make the same as nearly as may be, similar to township tax rolls, and shall, under their hands and seals, affix a warrant thereto directing the manner of the collection of said taxes, and shall deliver the same to said marshal whose duty it shall be to collect said taxes in pursuance of said warrant and at the time and in the manner prescribed by the by-laws, and shall pay over the same to the village treasurer as the by-laws shall prescribe.

Sec. 14. Said marshal shall have the same power to sell personal estate for the collection of taxes as is given by law to township treasurers, and for want of personal estate he shall have power to levy upon and sell the real estate upon which the tax is assessed, and shall prosecute and make such sale in the same manner and with the same effect in all respects, and shall give notice thereof, as is provided by law for the sale of real estate on execution: *Provided*, That the first publication of said notice shall be at least six months prior to the day of sale, and any real estate so sold may be redeemed by the owner or his or their representatives, at any time within one year from the date of sale, on paying to the purchaser or to the treasurer for the use of the purchaser, the amount for which the same was sold with ten per cent. interest.

Sec. 15. For the imprisonment of every person liable to imprisonment under the by-laws and ordinances of said village, said village shall have the use of the common jail of St. Clair county, and all persons committed to said jail for any such liability shall be under the charge of the sheriff of said county as in other cases: *Provided*, That the county shall thereby be involved in no expense, and that all charges for the keeping of persons thus committed to said jail, shall be paid by the said village.

Sec. 16. The president and trustees of said village shall receive no pecuniary compensation or fees for their services under this act,

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LAWS OF MICHIGAN.

[No. 245.]

AN ACT to amend "an act to establish an Asylum for the Deaf and Dumb and Blind, and also an Asylum for the Insane of the State of Michigan," approved April third, eighteen hundred and forty eight.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section ten of the act entitled "an act to establish an asylum for the deaf and dumb and blind, and also an asylum for the insane of the state of Michigan," approved April third, eighteen hundred and forty-eight, be and the same is hereby amended by adding to said section the words following "they shall have power and it shall be their duty to select and designate some suitable location or locations for the site of said asylums, and file a description thereof in the office of the secretary of state."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 246.]

AN ACT to amend an act entitled "an act to amend and consolidate the act to incorporate the Stockholders of the Michigan Insurance Company of Detroit, approved March seventh, eighteen hundred and thirty-four, and the several acts amendatory thereto," approved March twenty eight, eighteen hundred and forty-nine.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section sixteen of the act entitled "an act to amend and consolidate the act to incorporate the stockholders of the Michigan insurance company of Detroit, approved March seventh, eighteen hundred and thirty four, and the several acts amendatory thereto," approved March twenty eight, eighteen hundred and forty-nine, be and the same is hereby amended by striking out the word "thirty," in the first line of said section, and inserting in lieu thereof the word "ninety."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.



[No. 247.]

AN ACT to vacate certain streets and an alley in the village of Byron, in the county of Shiawassee.

Streets and
alley in By-
ron vaca-
ted.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of Hamilton street as lies between blocks fifteen and twenty-two running from Saginaw street to the Shiawassee river, and so much of Emmet street as runs from Saginaw street to Shiawassee river, situate between blocks number eighty-three, eighty-four, ninety-three and ninety-four; also an alley running between said blocks number ninety-three, ninety-four, eighty-three and eighty-four, in the village of Byron in the county of Shiawassee, be and the same are hereby vacated, and the land formerly laid out for the use of said streets and alley shall revert to the owner or owners of village lots lying contiguous to the same: *Provided*, The consent in writing of the owners of land adjoining the said streets and alley be first had and obtained and recorded in the office of the register of deeds of said county.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 248.]

AN ACT to create a road fund for the benefit of the main Road between Jackson and Lansing, and to authorize the appointment of a Commissioner to expend the same.

Appropriation of M R highway taxes on certain road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of improving the road leading from Lansing, in Ingham county, by way of Mason, to Jackson, in Jackson county, there is hereby appropriated to be expended, as hereinafter provided, the unexpended highway tax which was assessed for the year eighteen hundred and forty-eight; and all the highway tax which may be assessed for the present year, and for the three next succeeding years, upon the land owned by non-residents upon the line of said road, within a distance of two miles each way from the centre thereof; *Provided*, That if any lot or description not exceeding eighty acres of land

LAWS OF MICHIGAN.

(owned by non residents as aforesaid,) shall be partially embrace within said limits, and extend beyond said two miles, the highway tax upon said description, shall be deemed appropriated as aforesaid.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the governor is hereby authorized to appoint a special commissioner; and said special commissioner, in expending the moneys that may be subject to his control by the provisions of this act, shall be governed by the laws, so far as the same may be applicable, which are now or may hereafter be in operation for the government of township highway commissioners: and said special commissioner, before entering upon the duties of his office, shall take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county.

Sec. 3. It shall be the duty of said special commissioner, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, upon the line of the road, and deliver the same to the treasurer of Ingham county, who shall thereupon open an account with the Jackson and Lansing road fund, and credit to said fund all moneys then in his hands or which may thereafter be paid into his office as non-resident highway taxes upon any of the lands described in said lists, and which are within the purpose of this act, and shall charge said fund with all moneys which may be drawn from it by the said special commissioner, in pursuance of the provisions of the next section of this act.

Sec. 4. It shall be the duty of said special commissioner, in payment for any labor performed or materials furnished in the improvement of said road under his direction, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon for the amount due such person upon the Jackson and Lansing road fund, and it shall be the duty of the county treasurer of that county to pay the same out of any moneys belonging to said fund which is derived from the taxes which come under the provisions of this act.

Sec. 5. Said special commissioner shall be entitled to receive a sum not exceeding one dollar per day for the time actually em-

Compensation of commissioner, and audit and allowance there-of.

employed by him in discharging the duties which this act imposes upon him, and his account for the same verified by his oath, shall be audited by the board of supervisors of Ingham county and shall be paid out of any moneys belonging to the Jackson and Lansing road fund in the treasury of that county.

Vacancies, how filled.

Sec. 6. In case of the death, resignation or refusal to serve, of any commissioner appointed under this act, the governor is authorized to appoint another, whose duties and obligations shall be the same as if originally appointed,

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 249.]

AN ACT giving the Circuit Courts jurisdiction in actions of Ejectment.

Ejectment suits may be brought in circuit court

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That actions of ejectment may be brought in the circuit court for the county wherein the lands sought to be recovered, are situated, and proceeded in agreeable in all things to the provisions of chapter one hundred and eight of the revised statutes of eighteen hundred and forty-six, except that no jury shall be required to try the same unless demanded by one or other of the parties to the suit prior to the day of trial, or unless ordered by the court, and in case no jury be empaneled for the trial, such cause shall be tried by the court in the manner intended by section four of chapter one hundred and three of said revised statutes, "when the parties agree in writing to dispense with a jury."

Approved April 2, 1849.

[No. 250.]

AN ACT to lay out a certain State Road.

Comrs to lay out state road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George Martin, Robert Verney, and Frederick Guif, be and they are hereby authorized and appointed commissioners to lay out and establish a state road on the most eligible route from some point on the lake St. Clair, in the township

of Grosse Point, in the county of Wayne and state of Michigan,
northwesterly to the Gratiot road, so called.

Sec. 2. The expense of laying out said road, shall in no way be chargeable to the state, and the acts of a majority of said commissioners shall be valid. State not liable, &c.

Sec. 3. It shall be the duty of said commissioners to cause a survey of said road to be made and recorded in the office of the township clerk of said township, which survey shall be certified to by them. Duty of commis'rs.

Sec. 4. The owners of lands through which said road may pass, shall be entitled to an appraisal and assessment of damages, and to compensation therefor, in the same manner in every respect as if such road was laid out by the highway commissioners of said township. Appraisal of damages.

Sec. 5. It shall be the duty of the highway commissioners of said township to open and work said roads in the same manner and by virtue of the same laws as township roads are required to be opened and worked: *Provided*, The right of way be first obtained as provided in this act. Duties of cert'n highway com'rs.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 251.]

AN ACT to incorporate the Pittsburgh and Isle Royal Mining Company of Pittsburg.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Irwin, William F. Irwin, John A. Forsyth, Waterman Palmer and John K. Finley and others who shall become associated with them, are hereby constituted a body corporate by the name of the Pittsburgh and Isle Royal mining company of Pittsburg, for the purpose of mining, smelting and manufacturing ores, minerals and metals, in Isle Royal of the state of Michigan. Incorporation.

Sec. 2. The said company shall have corporate succession, its capital stock shall be one hundred and fifty thousand dollars, divided into six thousand shares of twenty-five dollars each, and the said Capital and real estate of company

company may acquire and hold such real and personal estate in Isle Royal of Michigan, as the business of the company may require, to an amount not exceeding the sum of one hundred and fifty thousand dollars.

Officers and
assessments
on shares.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, each owning in his own right not less than ten shares of stock, of whom the president shall be one; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock and forfeit and sell the same for non-payment of any such assessment in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Pittsburgh and Isle Royal mining company of Pittsburgh: *Provided*, That until the first annual meeting of the said company after its organization under this act, John Irwin, William F. Irwin, John A. Forsyth and Waterman Palmer of Pittsburgh, and John K. Finley of Niles, shall be and continue, and they and their successors are expressly constituted, directors of said company, and shall have and exercise all the powers and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

State tax &
annual re-
port.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose, the president and secretary thereof, shall, on the first day of January in each year, or within fifteen days previous thereto, make, under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other taxes

LAWS OF MICHIGAN.

on the real estate of said company, and any investment of any portion of the net profits of said company, in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the state treasurer hereinbefore required.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 6. Any inhabitant of the state shall have a lien upon the stock, appurtenances, and entire property of said company for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Sec. 8. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the secretary of state a certificate specifying the place of such location; and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Sec. 9. This act shall take effect and be in force for thirty years from and after its passage, and the legislature may at any time alter, amend or repeal this act after the limitation thereof, by a two-third vote, or at any time for any violation of the provisions thereof; *Provided*, That it shall not be lawful for said company to use their funds or any part thereof in any banking or brokerage or exchange, or in buying or selling money or bank notes, or stocks of any kind, or in any other business whatever, except that specially provided for by this act.

Approved April 2, 1849.

AN ACT to amend an act to organize certain Townships, approved
March 15th, 1849.

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Represen-
tatives of the State of Michigan, That section fifteen of "an act
to organize certain townships and for other purposes," approved
March 15th, 1849, be and the same is hereby amended by adding*

Ward
Vest
Trini
Ghur
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Sec H
20 R. I
people

Sec H
Michigan

manner as other lands; but when so offered, if the title of the state arising from sales for taxes of prior years, shall not have been sold or otherwise discharged, previous to the time of offering said lands for the taxes of the subsequent year or years, then said lands shall be struck off to the state, subject to redemption as in other cases, or to be sold, as other lands when the title of the state for the prior years' taxes shall have been disposed of."

Sec. 2. All lands, subject to be sold as state tax lands, shall here-
after be first offered at the annual tax sales, and the sale or offer-
ing for sale of the same shall be concluded, before the commence-
ment of the sales of lands for the taxes of subsequent years.

State tax
lands to be
offered at
annual tax
sale.

Sec. 3. It shall be the duty of the auditor general to prepare lists
of all lands heretofore withheld from sale for taxes, on account of
having been bid off to the state for taxes of previous years, and
which shall remain unredeemed or otherwise undisposed of, stating
the amount due on each description for the taxes, interest and char-
ges for each year, for which it was so withheld, including interest,
as heretofore prescribed by law, at the rate of twenty-five per cent.
per annum, from the time of being withheld to the day of sale; and
the lands embraced in said lists shall be advertised and sold, at the
same time and in the same manner, and under the same conditions
and restrictions, as other lands sold for taxes, except as hereinafter
provided.

Aud. Gen'l
to make an-
nual lists of
withheld
lands—ad-
vertisement
and sale
thereof.

Sec. 4. The lands mentioned in the preceding section shall be
offered for sale, next after the sale or offering for sale of the state
tax lands in the several counties, and in the order of the years, for
the taxes of which they were severally withheld; and all lands not
sold or discharged, as state tax lands, shall be struck off to the state
for the taxes of the several years for which they were withheld, sub-
ject to redemption as in other cases, or to the sale of the state bid,
when the title of the state for taxes of former years shall have been
disposed of; and in case of the sale or discharge of any description
as state tax land, if the same shall not be sold to the same or other
purchasers for the taxes of the years for which it was withheld, it
shall be struck off to the state; and when so struck off for one year,
it shall be struck off to the state for each subsequent year, for
taxes of which it may have been advertised to be sold.

Time and
manner of
such sale.

Aud. Gen'l
to make an-
nual list of
lands bid in
for the state
for prece-
ding years
for sale sub-
ject to re-
demption,
&c.

Sec. 5. In addition to the lists of lands bid in for the state, on which the time of redemption may have expired, the auditor general shall also furnish to each county treasurer, a list of all lands bid in for the state at the last preceding annual tax sale, on which the redemption would expire at or about the time of the next ensuing sale for taxes, and which shall be offered for sale as other state tax lands, subject to the right of redemption or purchase existing or provided by law, when struck off to the state; and if said lands shall not have been redeemed, or the state bid purchased, within the period provided by law, the purchaser shall be entitled to a deed, as in case of the sale of other state tax lands; and if redeemed, he shall be entitled to the purchase money paid by him when the lands were so last sold; *Provided*, That no such lands, on which the state has a lien for prior years, shall be sold until the title for the taxes of prior years shall have been disposed of.

State tax
lands unsold
after being
twice offer-
ed to be sold
to highest
bidder.

Sec. 6. All state tax lands remaining unsold or otherwise undisposed of, after having been twice offered as state tax lands at public sale at the annual tax sales, shall at the next ensuing tax sale, be offered for sale to the highest bidder, without reference to the minimum now established by law, or the cost to the state of each parcel, in taxes, interest and charges; but said state tax lands shall be sold subject to the same conditions and restrictions in other respects, as are now or may hereafter be provided by law, in regard to other lands of the same class; and lands offered for sale under the provisions of this section, shall be offered for sale, prior to the sale of other state tax lands.

Advertis-
ment of tax
sales.

Sec. 7. The publication of the lists of land to be sold for taxes for eight weeks successively next previous to the first Monday of October in each year, as required in section seventy-one of chapter twenty of the revised statutes, shall be construed to mean eight publications once a week next preceding the said first Monday of October.

Approved April 2, 1849.

[No. 255.]

AN ACT to incorporate the village St. Mary.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That all the citizens of this state,*

inhabitants of, and included within the following corporate limits, viz: commencing at the north-east corner of the military reserve, held by the United States, at a point where it touches the St. Mary; thence south, one mile; thence due west, two miles; thence due north, one mile, to said river St. Mary; and thence easterly, following the meanderings of the same, to the place of beginning. be and the same are hereby ordained, constituted and declared to be, from time to time, forever hereafter, a body corporate and politic in fact and in name, by the name of "the president, trustees, and citizens of the village of St. Mary," and by that name they and their successors forever, shall, and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded in all suits of whatever nature soever, and also to purchase, hold and convey any estate, real or personal, and may have a common seal, and may change and alter the same at pleasure, and shall be citizens of said village.

Sec. 2. There shall be a meeting of the citizens of said village ^{General meeting.} holden annually, on the first Monday in June, for the purpose of choosing officers of said village, and the officers chosen at such meeting: shall continue in office until the second Monday of June then next, or until others shall be chosen and qualified in their stead.

Sec. 3. The citizens of said village in legal meeting assembled ^{Election of officers.} shall annually choose a president, two trustees, a clerk, a treasurer and a marshal, all which officers shall be chosen by ballot, and on each ballot which shall be given in, shall be written the name of the person for whom the same is given, and such ballot shall, by the person giving the same, in the presence of the president and trustees or such of them as are present at such meeting, be put into a proper box for that purpose by the said village provided; and when the citizens present at any such meeting shall have had a reasonable time to give in their ballots, the president, or in his absence, the senior trustee present, in the presence of the meeting shall open the box, sort and count the ballots, and the person who shall have a majority of the ballots given in, shall, by the marshal, or in his absence, by the junior trustee present, be declared to be elected, and no ballot shall be received after the box shall have been opened.

Village tax-
es.

Sec. 4. The citizens of said village, in legal meeting assembled, shall have the power to levy taxes on the polls and estate within the limits of said village, and on transient traders, for such purposes as said village shall think proper.

Duties of
marshal of
village.

Sec. 5. The marshal shall be the collector of such taxes, and in case of fines, is hereby authorized and required to collect and pay over to the treasurer, all such sums of money as shall be levied for the use of said village, within two months from the time of his receiving a warrant therefor, and the treasurer's receipt shall be his voucher, upon his settlement with the president and trustees, which shall be, when thereunto by them required, at the expiration of the two months as above. The marshal shall give ten days notice before he makes distress for the collection of any tax, and if the tax on any lot on which no personal property can be found, shall remain unpaid one month after the expiration of the two months, aforesaid, the said marshal shall give notice by advertisement in some newspaper printed in said village, or by posting such notice in five of the most public places in said village, of the amount of such tax, and the number or other description of the lot or lots on which it is due; and if such tax shall not be paid within one month after the date of such advertisement, the marshal may in such case proceed to sell so much of said lot or lots as will discharge the same. The marshal and treasurer shall, before they enter upon the duties of their office, give bond with sureties to the president and trustees and their successors in office, which bond with sureties to be approved by said president and trustees, conditioned for the faithful discharge of the duties of their respective offices. The treasurer shall pay over all moneys by him received for the use of the village, to the order of the president and trustees, and shall, when required, submit his books and vouchers to their inspection.

Power of
president &
trustees in
relation to
streets and
highways.

Sec. 6. The president and trustees are hereby empowered to lay out new highways, streets and public walks, for the use of said village, and to alter those already laid out in said village, and to exchange highways for highways or to sell highways for the purpose of purchasing other highways, taking in all respects the same measures as are or may be directed by the laws of this state as near as may be; and the party aggrieved by the laying out of such street or highways, may have the same remedy by application to

the county courts, or otherwise, as is or may be provided in case of other highways: whenever such highways so laid out by said president and trustees may become unnecessary for public use, they may be discontinued by said president and trustees.

Sec. 7. The president and trustees, or a majority of them, shall have power to make by-laws relative to market and commerce within the limits of said village; relative to streets and highways of said village; relative to nuisances within said village limits; relative to wharves, channels, anchoring and moorage of vessels; relative to trees planted for shade, ornament, convenience and use, public or private; relative to trespasses committed in gardens; relative to walks and buildings, public and private; relative to sweeping of chimneys and preserving said village from injury by fire; relative to warning meetings of said village, and of said president and trustees, and the times and places when and where they shall be holden; relative to the mode of taxation, as to taxes to be levied in said village; relative to the penalties to be incurred by those who, being chosen to office, shall (not being excused by said village) refuse to serve; relative to the burial of the dead; relative to public lights and lamps; relative to restraining horses, cattle, sheep, swine or any geese from going at large within the limits of said village; and to establish penalties for the breach of said by-laws: *Provided however*, That such penalties shall in no case exceed the sum of twenty-five dollars for one offence; and said penalties shall be payable to the treasurer, or to such other person as the by-laws shall direct, and be recoverable by action of debt, to be brought before any justice of the peace resident within said village or before any other competent authority: *Provided however*, That no by-laws of said village shall be repugnant to the laws of this state; *And provided also*, That all by-laws made by said president and trustees shall be published by advertisement, set up in the most public place within said borough, or in some newspaper printed therein, at least three weeks successively, before the same shall be of any validity.

General powers of president & trustees.

Sec. 8. The marshal shall, within the limits of said village and on the waters of the same, have the same powers, authorities and privileges, and be liable to the same suits or penalties for neglect of duty in any case whatever, to all intents and purposes as constables by law have and are; and shall execute all lawful precepts to him

Powers of marshal.

directed, whether issued by virtue of the by-laws of said village, or by the laws of the state within his said described limits.

Grant and
leases by
president &
trustees.

Sec. 9. All grants or leases of real estate belonging to said village, and sealed with the village seal, and approved by said village in legal meeting assembled shall be good and effectual in law, to convey the estate intended to be conveyed by such grant or lease: *Provided*, The same is recorded in the records of said village; and that said village shall have the power to appoint inspectors of every kind of produce brought to said village for sale or exportation; and the votes or choice of a majority of the citizens present at any legal meeting, shall be considered in all cases the vote or choice of said village; and the said village shall have power, in legal meeting assembled, to choose all other officers not enumerated in this act, which shall be necessary to carry the by-laws of said village into execution.

Oaths of of-
fice.

Sec. 10. The president, trustees, clerk, treasurer and marshal of said village, and inspectors of produce brought to said village for sale or exportation, shall severally take and subscribe the oaths prescribed by the constitution of this state within five days after they may respectively receive a notice of their election, which oath may be administered by any person qualified to administer such oaths by the laws of this state.

Varancy in
office of pre-
sident, &c.

Sec. 11. Whenever the president or any other officer of said village shall resign, or be removed, by death or otherwise, another shall be chosen and sworn in his stead; and the president of said village, or in his absence, the senior trustee present at any meeting of said village, or of said president and trustees, shall be ex-officio moderator thereof; and the meeting of said village may, from time to time, be adjourned by a majority of the citizens present; and the said village may at any time hold special village meetings, whenever, in the opinion of the president and trustees or a majority of them, the circumstance of the village require it.

Service of
process a-
gainst vil-
lage.

Sec. 12. Whenever any action or suit shall be commenced against said village, process against said village, may be served by the leaving of a copy of such process, attested by the proper officer, with the clerk of said village, or at his usual place of abode therein, whose duty it shall be to inform forthwith the president and trustees thereof; and it shall be the duty of the clerk to make

AN ACT to amend an act entitled "an act to incorporate the New Baltimore and Romeo Plank Road Company," approved April 3, 1848.

Act amend-
ed

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled "an act to incorporate the New Baltimore and Romeo plank road company," approved April 3, 1846, be amended by striking out of the third line of section two of said act the words "St. Clair," and insert in lieu thereof the word "Macomb."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

AN ACT to amend chapter ninety-four of the revised statutes in relation to criminal proceedings.

Convictions
in criminal
cases before
justices of
the peace
may be re-
moved by
certiorari to
circuit court.

Application
for writ and
affidavit of
error.

Allowance
of writ.

Service of
writ return
to certiorari

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That a writ of certiorari to remove into the circuit court of the proper county a conviction had under the provisions of chapter ninety-four of the revised statutes of eighteen hundred and forty six, may be allowed on the application of the party convicted by the circuit judge or circuit court commissioner. The party desiring such certiorari, or some one in his behalf, shall apply for the same within twenty days after such conviction shall have been had, and shall make an affidavit specifying the alledged error or errors in the proceedings or judgment complained of.

Sec. 2. If the person to whom application for such certiorari may be made, shall be satisfied that any error has been committed in the proceedings or judgment, he shall endorse upon the affidavit his allowance thereof.

Sec. 3. The writ of certiorari and affidavit, shall be served upon the justice before whom such conviction was had, within ten days after such allowance; and the justice shall make a return to all the matters specified in such affidavit, and shall cause such writ, affi-

LAWS OF MICHIGAN.

vit and return to be filed in the office of the county clerk of the county, within thirty days after the service of such writ.

Sec. 4. After the service of the writ of certiorari as provided in preceding section, if the party convicted shall enter into recognizance with surety or sureties satisfactory to such justice or justice of the peace allowing the certiorari, conditioned, that he will appear at the next term of the circuit court to be held in and for such county, and abide the order and determination of the court, the justice of the peace shall order that the sentence be suspended; and if the defendant has been committed to jail on such sentence, the justice of the peace shall order the jailor to set such prisoner at liberty, who is hereby authorized to comply with such order. The person receiving such writ shall, within twenty days thereafter cause the same to be filed in the office of the county clerk.

The circuit court shall have power to compel a return to all writs of certiorari issued under this act.

It shall be necessary for the defendant to appear in court at the time of the prosecution of such certiorari, unless otherwise ordered by the court; nor shall any assignment or joinder in such writ be made until the court shall proceed to hear the party against whom such writ of certiorari has been made to such writ of certiorari, or may appear.

Notice of argument upon any such writ shall be given by the attorney general, or prosecuting attorney, at least ten days before the same shall be heard, and in time, before the same shall be had.

A person so recognized shall continue such recognition until further or other order of the court; and in default of such order, the person so convicted to close

the justice be re-
ndant; but if the
court shall or-
nt shall have
ll be reman-

ded back to such prison for the length of time that remained unexpired of his sentence at the period he was so let out of prison.

Court may make order to quash proceedings in certain case.

Sec. 10. If at any time it shall appear to the said circuit court that the person prosecuting such certiorari was unreasonably delayed to bring on such cause for argument, the court may enter an order to quash such certiorari, and may also direct the sentence of the justice to be carried into effect.

Fees.

Sec. 11. The following fees shall be allowed and paid under the provisions of this act, for the services herein named: For making return to writ of certiorari, two dollars.

Sec 18 chap 94 R S repealed,

Sec. 12. Section eighteen of chapter ninety-four of the revised statutes of eighteen hundred and forty-six, is hereby repealed.

Appeals from justices in criminal case to be transferred to Co. courts—proceedings therein &c.

Sec. 13 All cases of appeals from justices courts, in criminal cases, to the circuit courts, which are now or may be pending on the first Tuesday of May next, shall be on that day transferred by the county clerk to the county courts of the proper counties; and such appeals shall be tried by a jury drawn in pursuance of and according to the provisions of law in relation to criminal proceedings in county courts; and the said court shall have power to continue said causes from time to time and take the necessary recognizances of defendant or defendants, for their appearance, and in default thereof, to commit such person or persons until the day of trial, and also to require witnesses to enter into recognizances, with or without sureties in the discretion of the court, for their appearance at the county court on the day of the trial of such defendant or defendants.

Fines to be imposed on conviction, under chap. 94 R. S.

Sec. 14. Any person convicted under the provisions of chapter ninety-four of the revised statutes of eighteen hundred and forty-six, of any offence mentioned therein, may be punished by a fine not exceeding one hundred dollars, or by imprisonment in the common jail of the county for a term not exceeding three months, or both in the discretion of the court.

Sec. 15. This act shall take effect from and after its passage.

Approved April 2, 1849.

[No. 259.]

AN ACT making appropriations to defray certain expenses authorized for the year eighteen and forty-nine.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be and the same are hereby appropriated out of the general fund: The following for expenses incurred during the sickness and for the interment of Hon. H. C. Noble deceased; to John Thomas, on account

J Thomas.

of the late H. C. Noble's funeral, twenty dollars; to C. R. Bascom,

C R Bascom

for crape, two dollars sixty-three cents; to B. S. Taylor, for medi-

B S Taylor.

cal services and attendance upon the late H. C. Noble, three dol-

lars; to Dexter Philips, sixteen dollars; to Henry Birge, for team

D Philips.

H Birge.

furnished legislative committee and committee of health enquiry,

the sum of seventeen dollars: to Smith Tooker, three dollars; to

S Tooker.

Randall and Keller, two dollars; to James Jackson, one dollar; to

Randall and Keller.

M. F. Lockwood, for expenses to Corunna, nine dollars twenty-five

J Jackson.

M F Lock-

wood.

cents; to Charles P. Bush, seven dollars seventy-five cents: to George

C P Bush.

Geo Moran.

Moran for silver furnished to make plate for coffin, one dollar; to

C H Carr.

C. H. Carr, for team to Corunna, ten dollars; to Case and Smith,

Case and

Smith.

for coffin and trimmings for same, eighteen dollars; to C. H. Thom-

CH Thomp-

son.

son, for making and engraving coffin plate, three dollars; to D. Mc-

Gilvra, the sum of fifty-one dollars fifty cents.

D McGilvra

To W. Briggs, for one and a half dozen knobs for house and sen-

W Briggs.

ate desk, fixing locks and chairs, eight dollars fifty cents; to J. C.

J C Bailly.

Bailly, for stationery furnished secretary of the senate and clerks

of house of representatives, twelve dollars; to John Andrews, as a

J Andrews.

member of special committee for expenses in going to and from

Kalamazoo, to canvass certain ballots, fifteen dollars; to Orlando

O Moffatt.

Moffat, for same service, twelve dollars fifty cents; to proprie-

Flint Rep.

tors of Flint Republican, two dollars; to Johnson Niles, for services

J Niles.

and expenses in going to Jackson county, by order of house of re-

presentatives, nineteen dollars; to proprietors of Marshall Expoun-

To proprie-
tors of cer-
tain news-
papers.

der, two dollars; to proprietors of Boston Daily Atlas, one dollar

fifty cents; to proprietors of the New York Tribune, five dollars

thirty-three cents; to proprietors of the New York Baptist Regis-

ter, at Utica, fifty cents; to proprietors of the Albany Evening

Journal, two dollars and sixty-eight cents; to proprietors of Oakland

Gazette, two dollars; to proprietors of Michigan Christian Herald,

one dollar and fifty cents; to Adrian Watch Tower, one dollar and fifty cents; to proprietors of Coldwater Sentinel, fifty cents; to proprietors of Port Huron Observer, one dollar and fifty cents; to Michigan Farmer, twenty-five dollars; to proprietor of Michigan Liberty Press, two dollars; to proprietors of Michigan Telegraph, two dollars; to Toledo Blade, fifty cents; to proprietors of Grand Rapids Enquirer, one dollar and sixty-six cents; to proprietors of Michigan Argus, one dollar and fifty cents; to proprietor of Waukegan Whig, one dollar; to proprietors of Ypsilanti Sentinel, three dollars; to proprietors of True Democrat, fifty cents; to the Expositor, one dollar; to proprietors of Marshall Statesman, two dollars; to proprietors of Jackson Patriot, two dollars.

A W Hovey To Augustine W. Hovey, clerk of the House of Representatives, for compiling and preparing for publication, making indexes and superintending the publication of the house journal and documents of the present session of the legislature, two hundred dollars, to be paid on the certificate of the secretary of state, that the work has been correctly done.

W V Kilborn. To William V. Kilborn, for one large pitcher for house of representatives, one dollar;

A S Bagg. To A. S. Bagg for stationery to clerk of the house of representatives, forty-four dollars eleven cents, and the further sum of ten dollars fifty cents for stationery furnished the speaker of the house of representatives, and the further sum of twenty-four dollars sixty-eight cents for stationery furnished engrossing, enrolling and recording clerks, and committee on enrollment; to W. F. Storey for envelope paper and stationery furnished house of representatives, thirty-seven dollars forty-four cents; to L. L. Richardson for two double screens, two dozen locks for desks and putting the same on and repairing chairs in house of representatives, twenty-nine dollars;

W F Storey. to M. M. Prichard for two baskets and brooms furnished house of representatives, one dollar thirty-eight cents; to G. Post for one ash pail furnished house of representatives, one dollar seventy-five cents; to Richard H. Conner for traveling expenses in going to Macomb county by order of the house of representative, twenty-five dollars; to Hibbard and Knapp for freight bills on supplies for legislature at various times during the present session, three dollars-seventy-five cents; to Darling and Rand for stationery, four

L L Richardson.

M M Prichard.

G Post.

R H Conner

Hibbard and Knapp.

Darling and Rand.

dollars fifty-seven cents; to Bagg and Harmon for stationery furnished committee on supplies, thirty-nine dollars ninety-seven cents; to Jonathan P. King, John N. Ingersoll and Charles M. O'Malley, the senator and representatives from the counties of Mackinac and Chippewa, the sum of sixty dollars each for expenses incurred before and after the session; to the messengers of the senate and house of representatives the sum of twenty-five cents per day each over and above the amount already appropriated; to the post master at Lansing such sum as may be due him for postage of officers and members of the senate and house of representatives under joint resolution approved January 4th, 1849, to be paid by the state treasurer on presentation of his account verified by affidavit; to the fireman of the senate and house of representatives fifty cents per day each, as additional pay over and above the amount already appropriated; to each member of the senate and house of representatives the sum of five dollars, being for stationery furnished themselves; to W. V. Kilborn for two paste brushes, seventy-five cents; to Mrs. O. C. Wiswell the sum of five dollars for paste furnished the house of representatives; to Thornton F. Broadhead the sum of two dollars, for papers furnished members of the house of representatives, and the further sum of one dollar twenty-five cents; for papers furnished members of the senate; to N. Dunham, A. N. Hart, B. F. Fox, Nathan Salyer and D. A. Wright the sum of ten dollars each for expenses incurred in visiting state prison as a joint committee of the senate and house of representatives; to Marsh Giddings for expenses in going twice to Kalamazoo to attend to the matter of the contested seat claimed by Evert B. Dykman, under resolutions of the house, fifteen dollars.

Bagg & Harmon.

J P King & others.

Messengers.

P M at Lansing.

Firemen.

Members of House and Senate.

W V Kilbourn.

Mrs O C Wiswell.

T F Broadhead.

N Dunham and others.

M Giddings.

A Muller.

J T Kedzie.

W L Bancroft.

C Smith.

A Kaminsky.

C Morse & Son.

To A. Muller, for translating the governor's message into the German language and correcting the proof, sixty dollars; to Jas. T. Kedzie, for paste, pail and brush, four dollars; to publisher of the Port Huron Observer, for publishing general orders for adjutant general, ten dollars; do., papers furnished members of the house for session of 1848, three dollars; to Charles Smith, for attendance as secretary of the senate, at the opening of the present session, thirty dollars; to A. Kaminsky, for printing seven hundred copies of the governor's message in German, forty-four dollars; to C. Morse & Son, for paper furnished A. Kaminsky, on which to print

W Olds. the message in German, eighteen dollars; to William Olds, for going to Mason, for services on the death of Hon. H. C. Noble, one dollar and fifty cents; to Smith & Case, for same, seven dollars; J C Gaylor to J. C. Gaylor, for same, ten dollars; to A. F. Prouty, for desk furnished the office of the register of the court of chancery, in the third circuit in 1848, forty dollars.

To proprietors of certain newspapers. To publishers of the Albany Evening Journal, for papers furnished from 1841 to 1848, inclusive, sixteen dollars and ninety cents; to the publishers of the Hillsdale Gazette, fifty cents; to the publishers of the Kalamazoo Gazette, fifty cents; to the publishers of the True Democrat, fifty cents; to the publishers of the Coldwater Sentinel, one dollar and fifty cents; to the publishers of the Adrian Expositor, fifty cents; to the publishers of the Marshall Statesman, one dollar; to the publishers of Norwich, Connecticut Courier, one dollar; to the publishers of Neil's Saturday Gazette, seventy-five cents; to the publishers of the Albany New York Argus, two dollars; to the publishers of the Washington Union, six dollars; to the publishers of the Hartford Times, two dollars; to the publishers of the Ohio Statesman, one dollar and seventy-five cents; to the publishers of the New York Evening Post, two dollars and fifty cents; to the publishers of the Port Huron Observer, five dollars and fifty cents; to the publishers of the Albany Evening Journal, fifty cents.

Bagg & Harmon. To Bagg & Harmon, for printing, binding and stationery, for auditor's office, from May 19th, 1848, to January 12, 1849, two hundred and seventy-nine dollars and fifty cents; to A. Smith Bagg, for binding and stationery for auditor's office, from June 1st, 1848, to January 12th, 1849, thirty dollars and twenty-five cents; to A. S. Bagg, for blanks and stationery furnished adjutant general's office, for the year 1848, twenty-three dollars and ninety-one cents; to Bagg & Harmon, for printing and stationery for adjutant general in 1848, forty-three dollars and sixty cents; to A. S. Bagg, for ruling four hundred sheets of abstracts of sales, and mounting three maps of Lansing for state land office, four dollars and twenty-five cents; to Bagg & Harmon, for printing and stationery for superintendent of public instruction for 1848, one hundred and seventy-six

for stationery furnished secretary of senate, thirty-six dollars and nineteen cents; to Bagg & Harmon, for stationery furnished enrolling and engrossing clerk of the senate, fifteen dollars and thirty-eight cents; to Bagg & Harmon, for stationery furnished the committee on supplies of the senate, fifty-five dollars and twelve cents.

To Mr. Shoemaker, chairman of the committee on supplies of the senate, for cash paid for sundry articles for the senate, sixteen dollars; to William Post, for tin ware and sheet iron and stove pipe furnished, seven dollars and ninety-five cents; to Ritchie & Heisse, for Washington Union furnished the senate of 1846, forty-one dollars and sixty-seven cents; to same for Daily Union furnished in 1847, seven dollars and fifty cents.

To publishers of the Hartford Times, for papers furnished J. B. Graham, in 1846, fifty cents; to William L. Bancroft, secretary of the senate, for compiling and preparing for publication, making indexes and superintending the publication of the senate journals and documents of the present session of the legislature, two hundred dollars, to be paid on the certificate of the secretary of state, that the work has been correctly done; to G. G. Deshon, for recording the senate journal of 1848, at the rate of six cents per folio to be paid on the certificate of the secretary of state that the same have been correctly performed, and the secretary of state shall certify the number of folios.

To publishers of Mt. Clemens Patriot, for publishing adjutant general's orders, six dollars; to E. Clark for storing old muskets belonging to the state, four dollars; to Rodney B. Gibson for services as deputy secretary of state, one hundred dollars.

To O. S. Carter, proprietor of the Genesee Farmer at Elint, fifty cents; to G. G. Deshon, for three days services as enrolling clerk, nine dollars; to O. A. Jenison for services as engrossing and enrolling clerk one day last session, three dollars; to proprietors of Monroe Advocate for papers furnished members of the senate and house of representatives, three dollars and seventy-eight cents; to Alfred Cornell, junior, chaplain of the house of representatives, and Ransom R. Richards, chaplain of the senate, each the sum of three dollars per day; to Horace S. Roberts for four days services as assistant enrolling clerk, twelve dollars; to G. G. Deshon for

P Carey.

five days services as assistant enrolling clerk, fifteen dollars; to Peter Carey such sum as the board of state auditors may allow for his services about the capitol, who are hereby authorized to audit and allow the same; to Edward N. Lacroix, for translating

EN Lacroix

P Carey.

and correcting the governor's message into the French language for the year 1849, fifty dollars; to Peter Carey for services as fire-

J T Kedzie.

man to senate, fifteen dollars; James T. Kedzie for fourteen days

Bagg & Har-
mon.

services as assistant enrolling clerk at three dollars per day, forty-two dollars; to Bagg and Harmon eight dollars and eighty cents for enrolling paper furnished Mr. Deshon for recording senate journal

A W Hovey

of 1848; to Augustine W. Hovey forty nine dollars and sixty-eight cents for attending the organization of the legislature; to Henry

H Tisdale.

Tisdale for the services of Benjamin F. Tisdale; deceased, as messenger, the same amount as paid to other messengers, to be drawn on the warrant of the speaker of the house of representatives.

Contingent
fund.

That there be appropriated for the contingent fund a sum not to exceed one thousand dollars, payable to the order of the governor. To James Wicks, fireman of the senate, for extra services,

J Wicks.

H B Shank.

J W Holmes

twenty-five dollars; to H. B. Shank, for medical attendance upon

Benjamin F. Tisdale, five dollars; to James W. Holmes, for medical attendance upon Benjamin F. Tisdale, four dollars; to the pro-

Proprietors
of certain
newspapers

prietors of the Daily Free Press, for daily papers furnished the members of the senate and house of representatives, the sum of one hundred and thirty-two dollars; to proprietors of Daily Commercial Bulletin, at Detroit, for daily papers furnished the officers and members of the present legislature, the sum of one hundred and thirty-two dollars; to the proprietors of Detroit Daily Advertiser, for daily papers furnished the present legislature, the sum of one hundred and thirty-two dollars; to the proprietors of the Democratic Free Press at Lansing, for papers furnished the members of the present legislature the present session, forty-seven dollars; to the proprietors of the State Journal at Lansing, for weekly papers furnished members of the present legislature, the sum of forty-seven dollars; to proprietors of Allegan Record, for papers furnished to members of the present legislature, two dollars; to the proprietors of the Niles Express, fifty cents; to the proprietors of the Niles Intelligencer, fifty cents; to the proprietor of the Niles Republican, fifty cents.

To Richard Elliot for four spittoons, furnished house of repre- R Elliot.
 sentatives, two dollars; to E. Sturges for two brooms, furnished E Sturges.
 house of representatives, thirty-eight cents; to John Harmon for J Harmon.
 stationery furnished committees on enrollment and supplies, four
 dollars; to assistant enrolling and engrossing clerks such sums as Ass't enrol-
 may be due them, at the rate of three dollars per diem to be certified ling clerks,
 by the chairman of the enrolling and engrossing committees; and and expen-
 the further sum of eighty-eight dollars and ninety-eight cents to pay ses of inter-
 for the expenses of the sickness and interment of Benjamin F. ment, &c. of
 Tisdale, to the following persons, to wit: to Charles P. Bush, twenty B F Tisdale
 eight dollars; to Messrs. Gorman and Fish, twenty dollars; to
 James W. Holmes, eight dollars; to Knickenbacker and Son, ten
 dollars; to Hibbard and Knapp, five dollars; to Henry Hemans,
 eight dollars and fifty cents: to James P. Terry, three dollars; to
 H. W. Edgar, three dollars; to James Weeks, two dollars; to S.
 W. Whitwell, one dollar and forty eight cents.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 260.]

AN ACT for the improvement of the County Line Road from
 Gidley's Station, in the County of Jackson, to Lansing, in the
 County of Ingham.

Section 1. *Be it enacted by the Senate and House of Represen-*
tatives of the State of Michigan, That for the purpose of im- N R high-
 proving so much of the county line road as lies between the north way taxes
 line of the township of Delhi, in the county of Ingham, and Colum appropriated
 bia village, in the township of Aurelius, in said county, there is on cer-
 appropriated all the non-resident highway taxes for the year A. D. tain road.
 eighteen hundred and forty-eight, as shall remain unexpended on
 the first day of May next, and for two years next thereafter, for
 one mile on the east side thereof: *Provided,* That if the largest
 portion of any legal subdivision be within one mile, it shall include
 the whole of such subdivision: *Provided,* That this act shall not
 apply to any non-resident highway taxes appropriated by any law
 heretofore passed.

Special
com'r—his
powers and
duties.

Sec. 2. For the purpose of carrying into effect the provisions of this act, Champlin Havens, of Delhi, in Ingham county, is hereby appointed special commissioner, who shall be governed by the same laws, as far as the same is applicable, in expending all moneys that may be subject to his control by the provisions of this act, as are or may hereafter be in operation for the government of township highway commissioners.

Oath and
bond of
com'm'r.

Sec. 3. It shall be the duty of said commissioner before entering upon the duties of his office, to take and subscribe an oath faithfully to perform the duties herein assigned him, and file the same in the office of the county clerk of the county of Ingham, and deliver to the county treasurer of said county, a bond in the penal sum of one thousand dollars, with two good and sufficient sureties to be by him approved, conditioned for the faithful performance of all the duties imposed upon him by virtue of this act, and in default thereof it shall be the duty of said county treasurer to prosecute the same in the same manner as bonds are prosecuted against county officers.

List of non-
resident
lands to be
made by
com'm'r.

Sec. 4. It shall be the duty of said special commissioner, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the county treasurers of the respective counties in which such lands are situated, who shall thereupon open an account with the said county line road fund, and credit to said fund all moneys then in their hands, or which may hereafter be paid into their office as non-resident highway taxes, upon any of the lands described in said list, and charge said fund all moneys which may be drawn from said fund by said special commissioner.

Payment of
contractors
and others.

Sec. 5. It shall be the duty of said special commissioner in payment for any labor performed, or materials furnished in the improvement of said road, to issue his certificate to any person who may be entitled to the same certifying the facts as they exist in the case, and draw his warrant thereon, for the amount due such person or persons upon the county line road fund, and it shall be the duty of the county treasurer to pay the same out of any moneys, to the credit of said fund, and charge the same as provided in section four of this act.

its passage.

Approved April 2, 1849.

[No. 261.]

AN ACT making appropriations for salaries of the State Officers for the year eighteen hundred and forty-nine.

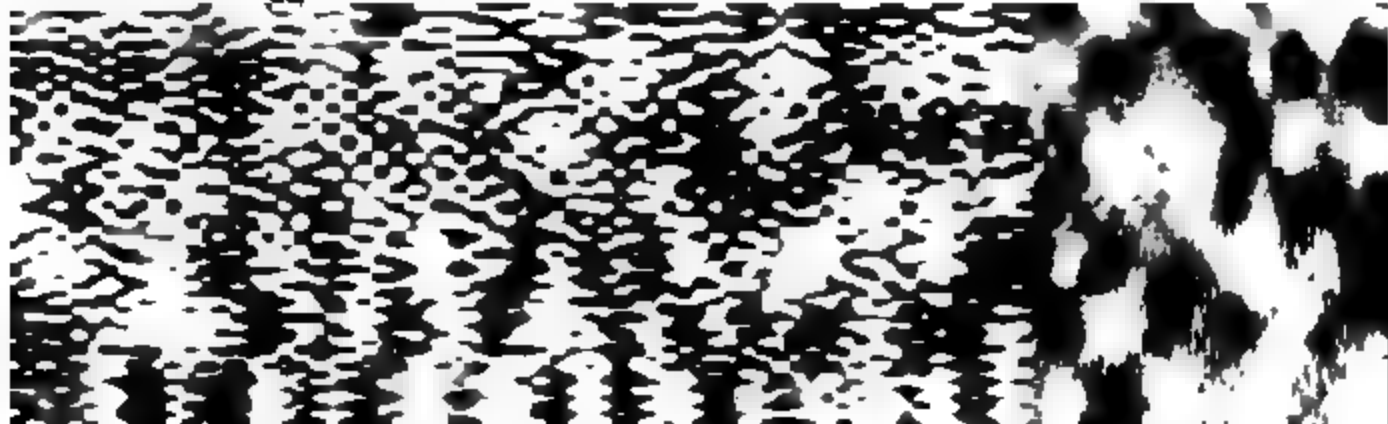
Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be, and hereby are appropriated out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums: for the salaries of the governor and associate justices of the supreme court, fifteen hundred dollars each; for the salary of the chief justice of the supreme court, sixteen hundred dollars; for the salaries of the auditor general, state treasurer and commissioner of the state land office, one thousand dollars each; for the salary of the secretary of state, eight hundred dollars; for the salary of the attorney general, including his actual necessary expenses, eight hundred dollars; to the superintendent of public instruction, the sum of five hundred dollars; for the salary of the recorder of the land office, four hundred dollars; for the salary of the adjutant general, three hundred dollars; for the salaries of the deputy state treasurer and deputy auditor general, seven hundred dollars each; for the salaries of the two regular clerks of the auditor general, six hundred dollars each; for the salaries of the deputy secretary of state and deputy commissioner of the land office, and one clerk in said office, five hundred dollars each.

Salaries of
Judges and
state officers
for 1849.

Sec. 2. The sum of three hundred and fifty dollars is hereby appropriated from the general fund, and out of the last named appropriation the state treasurer is hereby authorized and directed to pay the private secretary of the governor, the sum of three dollars per day, during the session of the legislature, and for eight days thereafter, to be paid on the certificate of the governor.

Sec. 3. This act shall take effect from and after its passage.

Approved April 2, 1849.



AN ACT to discontinue a certain road in the township of Athens, county of Calhoun, and for other purposes.

Road discontinued.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of a certain road running diagonally through the west half of the south east quarter and a part of the east half of the south west quarter of section thirty-two in the township of Athens, in the county of Calhoun, be and the same is hereby discontinued.

New road authorized.

Sec. 2. The commissioners of highways of the said township, are hereby authorized to lay out and establish a highway, commencing at the south east corner of the west half of the south east quarter of said section thirty two, of said township; thence running west on the south line of said section, until it intersects the road west.

State not liable therefor.

Sec. 3. The state shall in no way be liable for any expense incurred or damages sustained by reason of this act, and in case the road mentioned in this act shall not be laid out and recorded within one year from its passage, then the provisions herein contained shall be void.

Expense how paid.

Sec. 4. The expense of laying out and establishing the said road shall be paid according to existing laws relative to highways.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

AN ACT to amend an act entitled "An act to amend the Revised Statutes of 1846 concerning the assessment and collection of taxes," approved March 17th A. D. 1847.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section six of an act entitled "an act to amend the revised statutes of 1846, concerning the assessment and collection of taxes," approved March 17th, A. D. 1847, be amended by inserting after the word "attorney," in the fourth line of said section the words "county judge or circuit court commissioner."

its passage.

Approved April 2, 1849.

[No. 264.]

AN ACT amendatory to the charter of the Detroit, Romeo and Port Huron Railroad Company, and amendments thereto.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Detroit, Romeo and Port Huron railroad company, are hereby empowered and fully authorized to agree or arrange with any rail road corporation, for a guarantee of any bonds, mortgages, or other evidences of debt, that may be issued or made by the said Detroit, Romeo and Port Huron railroad company; and the said railroad company or companies that may become guarantors for the said Detroit, Romeo and Port Huron railroad company, are hereby fully empowered so to do. Act amend-
ed.

Sec. 2. This act shall take effect, whenever the president of said railroad company shall file an instrument in writing, accepting the same, in the office of the secretary of state.

Approved April 2, 1849.

[No. 265.]

AN ACT relative to Elections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever in elections of members of the state legislature, or county officers, it shall appear on the legal canvass of the votes, that two or more persons have received an equal number of votes, and that a failure to elect to any office is caused thereby, such persons shall draw lots for election to such office in the manner following: the proper board of canvassers in each case shall appoint a day for the appearance of all such persons before the proper officer hereinafter provided, for the purpose of determining by lot among such persons the right to such office, and shall cause notice thereof to be given to all such persons. The officer before whom said drawing is to take place Proceedings
in case of
tie vote for
election of
members of
the legisla-
ture and Co.
officers.

shall prepare as many slips of paper as there are such persons, and write the word "elected" on as many of said slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the same so as to conceal the writing, and so that all may appear as nearly alike as possible; said slips shall all be placed in a box and at the time and place appointed for the drawing of said lots, each of such persons aforesaid may draw one of said slips from the box, and any such person drawing a slip in which is written the word "elected" shall be deemed legally elected to the office in question; and the officer conducting such drawing shall forthwith give him a certificate of such election.

Sec. 2. Drawing of lots under the provisions of the preceding section, shall take place before the following officers: for the office of state senator, before the county clerk of the county where the senatorial canvass is held; for the office of representative in the legislature, and for any county office, before the county clerk of the county where each case shall arise: *Provided*, That in cases where the office of county clerk is in question, the drawing shall take place before the sheriff of the county.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 266.]

AN ACT to amend an act appropriating certain internal improvement lands for the benefit of the Holland colony and other immigrants now settling in the counties of Ottawa and Allegan.

Act amended. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That sections three, four, five, six, seven and eight, of an act appropriating certain internal improvement lands for the benefit of the Holland colony and other immigrants now settling in the counties of Ottawa and Allegan, approved February 3d, 1848, be and the same are hereby repealed, and the following sections are substituted in lieu thereof, to wit:—

Specimen copy of 1848. "Sec. 2. For the purpose of carrying this act into effect, Henry D. Post, of Holland, Ottawa county, Hiram Jennison, of Georgetown, Ottawa county, and Ira Chaffee, of Allegan, Allegan coun-

charge of the several works contemplated by this act, as follows, to wit: Henry D. Post is hereby authorized to take charge of the road leading from Grand Haven, in the county of Ottawa, to said colony, also of the work designed and contemplated in this act of appropriation, in constructing a suitable and substantial wharf or pier upon the eastern shore of lake Michigan, at the mouth of North Black river, in the county of Ottawa; also to take charge of all that portion of the lands appropriated by said act and yet unexpended, and that contracts have not been drawn against by Flavius J. Littlejohn, the present commissioner, for the several works, allotted by this act, to his charge.

Sec. 3. Hiram Jennison is hereby authorized to take special charge of the road contemplated in this act of appropriation, leading from Grandville, in the county of Kent. to the said Holland colony, in the county of Ottawa, and of all that part of the lands appropriated, for the purpose of improving said road that has not been expended, or contracts drawn against by Flavius J. Littlejohn, the present commissioner.

Red.

Sec. 4. Ira Chace is authorized to take special charge of the road contemplated by the act of appropriation, leading from the village of Allegan, in the county of Allegan, to said colony, and of all that part or portion of the lands appropriated, for the purpose of improving said road, that has not been expended or contracts drawn against, by Flavius J. Littlejohn, the present commissioner; it shall also be the duty of the said commissioner to cause a re-survey of said road last named, commencing at the south termination of the road leading from the village of Grand Haven to the colony aforesaid, and lay the same on the most direct and feasible route, from said colony, to the village of Allegan, so that the road shall be a continuous line from the village of Grand Haven to the village of Allegan.

Red.

Sec. 5. Said commissioners shall have the full control and management of the several improvements in this act specified, and shall have power to let out, by contract, the erection of said wharf or pier and the opening and working said roads, to the lowest bidder, or upon the lowest offer or terms they can get offered by or to any person, who shall execute and deliver to said commissioners, or any

Powers and duties of said com'rs.

one of them, a good and sufficient bond, with sureties, to be approved by the commissioner having charge of the work conditional for the faithful performance of the works stipulated in the contract.

Payment of
contractors,
&c.

Sec. 6. Whenever any contractor under the preceding section of this act shall have finished his job according to the terms of his contract, and the same shall have been accepted by any of said commissioners having charge of the work on which the contract was performed, said commissioner shall draw his order on the auditor general of this state for the amount of land specified in said contract, and upon such order being presented to the auditor general, he shall draw his warrant payable in internal improvement lands, upon the commissioner of the land office, which warrant shall be received at the state land office in payment for any of the internal improvement lands of this state: *Provided*, That nothing herein contained shall authorize the commissioner of the state land office to sell any of the said lands at a less price than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate than forty acres, or in any other quantity than a legal subdivision.

Power of
commissioners in
settling and
assessing
damages.

Sec. 7. For the purpose of laying out, opening and improving said roads, the commissioners herein named shall possess all the power now conferred by law upon the highway commissioners of the several townships through which said roads shall pass, and for settling and adjusting all claims for damages by persons interested in the lands through which said roads, or either of them shall be laid, he may apply to a justice of the peace of the proper township, or an adjoining township, for the appointment of three appraisers, and the same proceedings shall be thereupon had in all respects as are now provided by law for the settlement of like cases by highway commissioners.

Maps and
surveys—
how com-
pleted and
filed.

Sec. 8. In any case where the surveys have not been completed and where the profile map or field notes have not been filed as directed by the original act of appropriation, the commissioners appointed by this act, shall complete the said surveys and cause an accurate profile map and field notes of the survey of said several roads, or so much thereof as may be within the limits of each township and not run upon the line of an established road, to be filed in the office of the proper township clerk, who shall record

the same in the manner now provided by law for public highways.

Sec. 9. The commissioners named in this act shall proceed in the outlay of the balance of the appropriations made by this act, with all the diligence and despatch compatible with proper economy and the best interests of the state and the Holland colony, and each of said commissioners shall receive for their services a sum not exceeding two dollars per day for the time they may be actually and necessarily employed in the discharge of their several duties devolved upon them by the provisions of this act, payable pro rata, from the aforesaid appropriations, when verified by their respective oaths.

Compensation of commissioners.

Sec. 10. It shall be the duty of said commissioners before entering upon the duties enjoined upon them by this act, to take and subscribe the constitutional oath, make and enter into a bond to the people of the state of Michigan, in the penal sum of two thousand dollars each, for the faithful fulfilment of the duties of their said office, which said bond shall be signed by two good and sufficient sureties; which bonds shall be submitted to the prosecuting attorneys of the counties of Ottawa or Allegan, for his or their approval, and if approved, the attorney shall enclose the oath with the bond of each commissioner, and direct them to the auditor general to be filed in his office.

Oath & bond

Sec. 11. In case the commissioner appointed by virtue of the act to which this act is amendatory, has selected any lands and reported such selections to the commissioner of the land office for reservation from sale, then it shall be the duty of the commissioner having charge of that particular appropriation or work for which it was selected, when the job or jobs shall be completed, to draw his order upon the auditor general for said lands, particularly describing them in his said order.

Orders, how drawn when lands have been selected, &c.

Sec. 12. Upon any of the commissioners appointed by this act being qualified in accordance with the provisions herein contained, and upon presentation of the certificate to the prosecuting attorney of the counties of Ottawa or Allegan, to the former commissioner, F. J. Littlejohn, he shall forthwith deliver to said commissioner presenting the certificate as aforesaid, all profiles, maps, field notes, contracts and every paper of any and every kind in his possession, or in any

Former commissioner to deliver papers, &c., to commissioner herein appointed, &c.

way pertaining or belonging to the work hereby given to the charge of said commissioner and take his receipt therefor.

Sec. 13. The appointment made, and the commission issued by the governor to said F. J. Littlejohn, is hereby revoked and from and after the passage of this act, said commission shall be null and of no effect.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 267.]

AN ACT to prevent the Transportation of Pickled Fish without Inspection.

Pecalty for
transporting
fish not in-
spected.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That if any master of a vessel, or other person, shall transport from this state any pickled fish, not inspected and branded, as provided in chapter thirty of the revised statutes, he shall forfeit a sum not exceeding ten dollars for every cask of fish thus transported.

Approved April 2, 1849.

RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION relative to Postage.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the post master, at the capital of Michigan be, and he is hereby authorized to charge the state of Michigan with all postage upon letters, papers or documents heretofore and hereafter received and to be received by the senate and officers of the senate, and the house of representatives and the officers during the present session thereof, and to charge to the state of Michigan the postage upon all papers and documents mailed by the members and officers of each branch of the legislature during the session thereof.

Resolved, That a committee of one from the senate and two from the house of representatives be appointed to make arrangements with the post master in relation to postage of members and officers of the legislature during the present session.

This resolution shall be in force and take effect from and after its passage.

Approved January 4, 1849.

[No. 2.]

JOINT RESOLUTION relative to printing a manual for the use of the present Legislature.

Resolved, by the Senate and House of Representatives of the State of Michigan, That a sufficient number of copies of the legislative

manual be ordered printed for the use of the legislature, embracing the same kind of information as those in use during the last session of the legislature, together with a register for the present session; and that an extra number be printed sufficient for the supply of one copy for each member of the next legislature, and that such extra copies be deposited in the office of the secretary of state.

This joint resolution shall take effect and be in force from and after its passage.

Approved January 5, 1849.

[No. 3.]

JOINT RESOLUTION respecting Documents.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the secretary of state be, and he is hereby instructed to furnish the members of the senate and house of representatives with the revised statutes, documents, journals and session laws of the last legislature, as far as the same can be supplied from his office without re-printing the same.

This joint resolution shall take effect from and after its passage.

Approved January 5, 1849.

[No. 4.]

JOINT RESOLUTIONS respecting the Territories of the United States.

Resolved, by the Senate and House of Representatives of the State of Michigan, That we consider the result of the late war with Mexico in the acquisition of the territories of New Mexico and California, as an enduring monument to the honor of our gallant army—regulars and volunteers—officers and soldiers, and that we rejoice in the prospect of extending over that country, the beneficent laws and institutions of a free people.

Resolved, That we are in favor of the fundamental principles of the ordinance of 1787—and although we respect the opinions of many eminent statesmen and jurists that slavery is a mere local

existence--yet we believe that Congress has the power, and that it is their duty to prohibit by legislative enactment, the introduction or existence of slavery within any of the territories of the United States, now or hereafter to be acquired.

Resolved, That our senators in Congress be instructed and our representatives requested to use all honorable means to accomplish the objects expressed in the foregoing resolution, and that the governor of this state be requested to forward copies of these resolutions to our senators and representatives in Congress.

Approved January 13, 1849.

[No. 5.]

JOINT RESOLUTIONS directing the Secretary of State to furnish certain statutes.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the secretary of state be, and he is hereby directed to furnish each of the officers and members of the present legislature with a copy of the session laws of eighteen hundred forty-six, eighteen hundred forty-seven and the revised statutes of eighteen hundred thirty-eight, so far as the same can be supplied from his office without re-printing the same.

Approved January 23, 1849.

[No. 6.]

JOINT RESOLUTION for the relief of John Lee.

Section 1. *Resolved, by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the state land office, be, and he is hereby directed, upon the receipt from John Lee, of the county of Macomb, of the interest due on a certificate of purchase, number ten hundred and fifty-five, for the north east quarter of section sixteen, in township number two north of range number twelve east, together with the penalty prescribed by law, with interest on such sums, from the thirty-first October, one thousand eight hundred and forty-eight, to the time of payment, to issue a new certificate of said premises to the said

Lee: Provided, That the interest and penalty so due, together with the interest thereon, be paid to the said commissioner on or before the first day of May, eighteen hundred and forty-nine: *Provided also,* the same shall not previously have been sold or otherwise disposed of to any other person.

Approved January 31, 1849.

[No. 7.]

JOINT RESOLUTION to encourage Immigration.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the governor be and he is hereby authorized and empowered, if in his opinion, the interest of the state would be thereby promoted, to appoint some suitable and proper citizen of Michigan to act as agent for this state to reside in the city of New York, from a period to commence as soon as practicable, until the first day of November next, and whose duty it shall be to encourage emigration into this state, under such advice or direction as the governor may from time to time deem proper to give; and for the purpose of defraying the necessary expenses of such agency, the governor is hereby authorized to draw upon the contingent fund for any sum or sums not exceeding in all seven hundred dollars.

Approved February 1, 1849.

[No. 8.]

JOINT RESOLUTIONS appointing the "Michigan State Journal" the State Paper, and for other purposes.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the "Michigan State Journal," published in the town of Lansing, shall be the state paper, for publishing all notices required by law to be published in the state paper: *Provided,* That all notices, required by law to be published in the state paper,

may be continued during the time said notices are required to be published by law, in said "Democratic Free Press," with the same legal effect as if it had continued to be the state paper.

Resolved, That this joint resolution shall take effect and be in force from and after its passage.

Approved February 2, 1849.

[No. 9.]

JOINT RESOLUTION directing the publication of a statement of lands to be sold in the county of Ionia, in eighteen hundred and forty-nine.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the auditor general shall cause the statement of the lands to be sold in the county of Ionia, for taxes, in October, eighteen hundred and forty-nine, to be published in the "Ionia Gazette," which statement shall be published in the same manner, for the same time, and to the same effect as like statements required by law to be published in other cases.

Resolved, That this resolution shall take effect and be in force from and after its passage.

Approved February 10, 1849.

[No. 10.]

PREAMBLE AND JOINT RESOLUTION relative to removing and storing the Military Stores of the State in the United States Arsenal at Dearbornville.

Whereas, It appears by the adjutant and quarter master general's report of 1848, that a quantity of field artillery and equipage, with other accoutrements received of the United States, are now lying in a ware-house in the city of Detroit subject to charges for storage, and much exposed to damage by fire and otherwise; and the state having no convenient place to store the same; and whereas permission has been given by the chief of the ordinance department at the city of Washington to this state to store in the Detroit arsenal at Dearbornville, any military stores belonging to the state of Michigan, therefore

Resolved, by the Senate and House of Representatives of the State of Michigan, That the adjutant and quarter master general be, and he is hereby authorized and required, to transport at the expense of the state, such of the field artillery and equipments as are now under his care and control, and such as may be hereafter received from the general government for the use of this state, likewise such other military stores of this state as cannot be conveniently stored in the state armory in the city of Detroit, to the Detroit United States arsenal at Dearbornville, and have the same stored in said arsenal and appendages, according to the rules

enter upon the settlement of any such claims, the claimant shall furnish to the state a good and sufficient bond to be approved by the board, conditioned that the settlement shall be final, and that he will at no time thereafter apply to the legislature of Michigan for relief, predicated upon such claim.

This joint resolution shall take effect and be in force from and after its passage.

Approved February 17, 1849.

[No. 12.]

JOINT RESOLUTIONS proposing an amendment to the Constitution, relative to certain public officers.

Whereas, An amendment to the constitution of this state was proposed by the last legislature in the words following, to wit: "The legislature of this state for the year eighteen hundred and fifty shall provide by law for the election by the people of the following officers, viz: judges of the supreme court, who shall be ineligible to any other than a judicial office during the term for which they are elected and for one year thereafter; auditor general, state treasurer, secretary of state, attorney general, superintendent of public instruction, and prosecuting attorneys; and the said judges are prohibited from receiving any fees of office or other compensation than their salaries for any civil duties performed by them:"

And Whereas, If said proposed amendment should be agreed to by two-thirds of all the members elected to each house of the present legislature, the same must be submitted to the people of this state at such time as this legislature shall prescribe: therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, (Two-thirds of each house concurring therein,) That the aforesaid proposed amendment to the constitution of the state be and the same is hereby agreed to by this legislature, and that the same be submitted to the people of this state for approval and ratification according to the provisions of the first section of the thirteenth article of the constitution, on the first Tuesday of November next. And it shall be the duty of the secretary of state and all other officers required by law to give or publish any notices in regard to the annual election on said day, to give notice that the

aforesaid amendment has been duly submitted to the electors of the state at said election.

Resolved, That at the election aforesaid, a ballot box shall be kept for receiving votes for or against the amendment; on the ballots shall be written the words "for the amendment," or "against the amendment," and a return of the same shall be made by the proper canvassing officers, to the office of the secretary of state as in the case of the election of state officers as near as may be; and the board of state canvassers shall give notice immediately after canvassing said votes, whether the same has been ratified according to the provisions of the aforesaid article of the constitution.

Approved February 22, 1849.

[No. 13.]

JOINT RESOLUTIONS relative to the claims of John W. Palmer, Edward N. Greely and Alvin T. Crossman.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be and they are hereby authorized and required to make a just and equitable settlement with John W. Palmer and Edward N. Greely under a certain contract made by the auditor general with A. T. Crossman, bearing date May fourth, A. D. eighteen hundred and forty-eight, for extracting stumps on block one hundred and fifteen, and along the centre of Washington avenue in the village of Lansing, which said contract was assigned to said Palmer, and one half of the interest of the said Palmer therein, was by him assigned to the said Edward N. Greely, and in case the board shall find any sum due said Palmer or said Greely, or either of them, they shall certify the same to the auditor general, who shall draw his warrant or warrants for the same on the state treasurer, who is hereby authorized and required to pay the same out of any money in the general fund not otherwise appropriated: *Provided*, That said board shall deduct from any amount so found due, the amount of two orders drawn on the auditor general and accepted in favor of A. T. Crossman, together with interest on the same from the time they became due: one of said orders being for the sum of seventy-nine dollars and forty nine cents, drawn by said Palmer and said Greely, dated May

RESOLUTIONS.

twelfth, one thousand eight hundred and forty eight, and one dollar by said Palmer, dated May thirteenth, one thousand eight hundred and forty-eight, for the sum of twenty-five dollars; and to certify to the auditor general only the sum or sums remaining, if any, after deducting said orders.

Resolved further, That on the presentation to the auditor general by Alvin T. Crossman or his agent, of the orders named in the foregoing resolution, it shall be the duty of the auditor general to issue his warrant or warrants for the same, with interest from the time the same became due, on the state treasurer, who is hereby required to pay the same out of any money in the general fund, otherwise appropriated: *Provided*, It shall be made to appear that sufficient work was done on the contracts, in said orders referred to, after the date of said orders to amount of the sum named in said orders.

These joint resolutions shall take effect and be in force from and after their passage.

Approved February 22, 1849.

[No. 14.]

JOINT RESOLUTIONS relative to certain claims growing out of the expenses incurred from the raising, subsisting and mustering into service of the first Regiment Michigan Volunteers.

Resolved, by the Senate and House of Representatives of the State of Michigan. That the board of state auditors be and they are hereby authorized and required to audit and allow on just and equal terms, all demands that may be laid before them by any persons for moneys advanced or expenses incurred, for the raising, subsisting and mustering into service of the Michigan volunteer regiment: *Provided*, That this shall be construed to extend only to moneys advanced and expenses incurred for such purposes as were recognized as proper by the governor, in the expenditure of the money appropriated by an act entitled "an act to provide for defraying the expenses of enlisting, transporting and subsisting the volunteer regiment called from this state to serve in the existing war with the republic of Mexico," approved January 10, 1848: and said board are authorized and required to audit and allow on just and equal

terms, all claims for pay which may be laid before them by any of the commissioned officers of said regiment, from the date of their respective commissions to the date of their being severally mustered into the United States service; and the board shall certify all sums so audited and allowed by them to the auditor general, who shall draw his warrant for the same in favor of the person or persons to whom the same are allowed, upon the state treasurer, who shall pay such warrants out of any money in the general fund not otherwise appropriated.

Resolved, That the auditor general be and he is hereby directed to draw his warrant upon the state treasurer, who shall pay such warrant out of any money in the general fund not otherwise appropriated, for the sum of six hundred and eighteen dollars and forty-five cents, in favor of James McGrath, if that shall be found to be the amount due to the said McGrath, by the said board, for clothing furnished the first regiment of Michigan volunteers, under a contract with the late governor of this state.

Resolved, That these joint resolutions shall take effect and be in force from and after their passage.

Approved March 1st, 1849.

[No. 15.]

JOINT RESOLUTION in relation to the Transportation of the United States Mail through Canada.

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be, and they are hereby requested to use their influence with the post office department of the United States, to have a mail communication from Buffalo to Detroit, through Canada, during the winter season, leaving it optional with persons mailing letters, or other matter, to mark and pay for their transmission by that route, or by the present route south of Lake Erie, as they may prefer, or under such regulations in that and other respects, as the department shall deem most conducive to the public interest and convenience.

Resolved, That the executive of this state be requested to forward copies of the foregoing to our senators and representatives in congress.

Approved March 1, 1849.

[No. 16.]

JOINT RESOLUTION relative to publishing the Reports of the Superintendent of Public Instruction.

Resolved, by the Senate and House of Representatives of the State of Michigan, That in addition to the regular edition of the report of the superintendent of public instruction heretofore authorized to be printed for the use of the members of the legislature, the contractor to do the state printing be required to print a sufficient number of the report of said superintendent for the year one thousand eight hundred and forty-eight, to enable the superintendent to distribute one copy to each county clerk, one copy to each township clerk for the use of the board of school inspectors, and one copy to each school director within the state, for the use of the district board, and to such other persons as he may deem advisable.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 2, 1849.


[No. 17.]

JOINT RESOLUTIONS relative to Moneys advanced by the State of Michigan in behalf of the United States, and for other purposes.

Whereas, At the time of raising the regiment of volunteers in this state to serve in the late war with Mexico, no rules for the auditing of accounts for expenses incident thereto, nor instructions given as to the vouchers to be procured for the expenditures made for that purpose, had been furnished by the United States' war department to the executive of this state, or to the officers engaged in raising said regiment; and

Whereas, Under the rules since established by the war department, many just claims for moneys expended and services rendered, which were both proper and necessary, may be liable to be disallowed for the want of the required formality in the vouchers or corroborating testimony not now procurable; therefore

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be, and they are hereby requested to use their influence to



procure the passage of an act, or joint resolution, by congress, authorizing or requiring the proper officer of the treasury department to allow and pay to this state such sum for the expense of raising said regiment aforesaid, as has been expended by the state.

And be it further resolved, That our senators and representatives in congress be, and they are hereby also requested to obtain, if possible, the submission to some proper officer or tribunal, of the claim of this state, for allowance, for expenses incurred in maintaining our territorial boundary whilst a territory under the protection of the United States, or to take such other steps for the adjustment of that or other claims of the state upon the United States, as to them may seem best and most desirable.

Resolved, That the executive be, and he is hereby requested to cause copies of the foregoing preamble and resolutions to be furnished to each of our senators and representatives in congress, at the present session, and if not then acted upon by congress, to each of our senators and representatives, as aforesaid, at the commencement of the first session of the next congress.

Approved March 5, 1849.

[No. 18.]

JOINT RESOLUTION relative to furnishing certain Laws and Documents to the Military Storekeeper of the Detroit United States Arsenal at Dearbornville.

Resolved by the Senate and House of Representatives of the State of Michigan, That the secretary of state, is hereby authorized, and required to transmit to the military storekeeper of the Detroit United States arsenal, at Dearbornville, a copy of the revised statutes of 1846, and a copy of the session laws of the years 1846, 1847 and 1848, also a copy of the documents and journals of the legislature of those years, and also a copy of session laws, documents, journals and manual, of the present legislature, and a copy of the laws, documents, journals and manual, of each successive legislature, as soon as the same are printed and bound, and delivered, for the use of said military storekeeper and his successor in office.

This joint resolution to be in force from and after its passage.

[No. 19.]

JOINT RESOLUTION requiring Reports from certain Special Commissioners.

Resolved, by the Senate and House of Representatives of the State of Michigan, That each special commissioner, or board of commissioners, appointed by the governor during the year ending December thirty-first, one thousand eight hundred and forty-eight, under and by virtue of the several acts of the legislature of that year, making appropriations of internal improvement lands for laying out and improving roads, constructing bridges and other internal improvements, be and is hereby required to report to the secretary of state, within twenty days after said commissioner or commissioners shall have received a copy of these resolutions, a full and complete statement of his or their doings as such commissioner, or board, stating particularly, the kind of labor contracted for; the name of each contractor, the number of rods, acres or miles let to each; with the contract price per acre, rod or mile for each kind of work contracted for; the name of contractors who have complied with the conditions of their contracts; the names of those contractors whose jobs have been accepted; the condition of the public works under contract and not completed; the amount of warrants or orders on the auditor general, drawn by such commissioner, or board, with the dates thereof, and to whom payable; and a plat or profile of the road or public work under his or their charge, exhibiting the section or locality where any portion of the appropriation has been expended, the kind of improvement—noting swamps, and so forth, with such other information as may be necessary to afford a full understanding of the nature and condition of the work under his or their charge.

Resolved, That the office of any such commissioner shall become vacant, either by his resignation, removal from the county for which he was appointed, or by death; and in case any such vacancy has already or shall hereafter occur, the governor is hereby authorized and required to fill such vacancy by the appointment of some other person.

Resolved, That if any commissioner or board of commissioners shall refuse to report as in these resolutions required, he or they shall be deemed as having vacated his or their offices, and the gov-

error is hereby authorized and required to fill such vacancy or vacancies by the appointment of some other person or persons.

The secretary of state is hereby directed to cause a copy of these resolutions to be transmitted to each of said commissioners without delay.

These resolutions shall take effect and be in force from and after their passage.

Approved March 6, 1849.

[No. 20.]

JOINT RESOLUTION relative to Salt Spring Lands in the town of Saline.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the commissioner of the state land office be and he is hereby directed within one year from the passage of this resolution, to cause the unsold portions of sections one and twelve in township four south of range five east, (the same being a portion of the lands selected by this state for Saline purposes) to be appraised by legal subdivisions, exclusive of the improvements that may have been made thereon, and such appraisal shall be the minimum price; and the said commissioner is authorized to issue certificates of purchase of any of said legal subdivisions at said minimum price per acre to any persons whom he may determine to be justly and equitably entitled thereto by reason of settlement upon or cultivation thereof and thereby justly entitled to the value of any improvements there may be on said land: *Provided,* Such persons or their legal representatives shall within one year after said appraisal comply with the conditions of the sale and payments as provided in title twelve, chapter sixty of the revised statutes by which such sales shall in all respects be governed: after the expiration of one year from the date of said appraisal, the unsold portions of said sections may be again appraised as aforesaid at their fair cash value including improvements, and may then be offered for sale at public auction and may be sold to the highest bidder: *Provided however,* That none of them shall be sold for less than said last appraised value including improvements.

Approved March 9, 1849.

[No. 21.]

JOINT RESOLUTIONS recommending a revision of the Constitution of the State of Michigan.

Whereas, In the opinion of this legislature, the time has arrived when a general revision of the constitution of the state of Michigan is necessary for the well-being and better government of the inhabitants of the state; and

Whereas, By the second section of article thirteen of the said constitution, it is made the duty of the senate and house of representatives in such case, to recommend to the electors, at the next election for members of the legislature, to vote for or against a convention, to be called for the purpose of revising said instrument; therefore

Resolved, by the Senate and House of Representatives of the State of Michigan, That we do hereby recommend to the qualified electors of the state of Michigan, at the next general election for members of the legislature, to vote for or against a convention, to be called for the purpose of making a general revision of the constitution of this state.

Resolved, That the above recommendation shall be submitted to the people at the next general election, and those voting in favor of calling a convention shall have written or printed on their ballots the words "For a convention," and those voting against such convention shall have written or printed on their ballots the words "Against a convention," which votes shall be canvassed and returned in the same manner, as near as may be, as required in section twenty-five, chapter seven, and sections twelve and thirteen, of chapter nine, of the revised statutes of eighteen hundred and forty-six; and the secretary of state shall report the result to the next legislature thereafter.

Resolved, That the secretary of state shall cause these resolutions to be published in the state paper for three months in succession next previous to the next general election for members of the legislature.

Approved March 12, 1849.

[No. 22.]

PREAMBLE AND JOINT RESOLUTIONS relative to the construction of a Road from Saginaw to Michilimackinac and the Saut Ste Marie.

Whereas, The general government did authorize and complete the survey of a road from Saginaw to Michilimackinac; and

Whereas, The lands lying between the mouth of the Saginaw river, Michilimackinac, and the Saut Ste Marie, are yet owned by the United States; and

Whereas, The country alluded to will remain for years unsold, and consequently unoccupied, unless a road through the country be opened; and

Whereas, It is for the best interest of the United States that said road should be made, that emigration may be directed to that region, that the public mails may be conveyed with more speed and safety, avoiding the dangerous and circuitous route on the lake shores, that the military posts of Fort Mackinaw and Fort Brady, as well as the civil departments of the government, may receive early information of matters often times of much importance; and

Whereas, The tone of public sentiment is undergoing a rapid change in regard to the value and importance of the upper peninsula of Michigan, as developed through her copper and other mineral products, her ever abounding fisheries and other sources of national wealth and prosperity; and

Whereas, It is at present impossible to proceed to the country lying north of the mouth of the Saginaw river by land, for the purposes of a settlement or transportation of supplies during at least six months, if not the whole of the year; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be requested to use their best exertions to procure from the federal government a sufficient appropriation of lands for the opening and construction of such communication.

Resolved, That the governor be requested to forward a copy of this preamble and resolutions to each of our senators and representatives in congress.

Approved March 16, 1849.

JOINT RESOLUTIONS instructing our Senators and requesting our Representatives in Congress to use their influence in favor of a reduction of Postage.

Whereas, The present unequal and exorbitant charges for postage, falls peculiarly heavy upon our citizens, rendering their correspondence with the Atlantic states, a burdensome and oppressive tax, compelling them constantly to seek other avenues than those provided by government for the transmission of letters, and believing a general reduction of the rates of postage would, by encouraging correspondence, tend to increase the revenue of the post office department, and be satisfactory to the masses of the people; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators in congress be instructed and our representatives requested to use their influence to obtain a liberal reduction of the present charges for letter postage, and more especially on newspapers and periodicals, and to abolish or modify the franking privilege, so that it shall no longer remain an unjust tax upon the general correspondence of the country: *Provided*, That the present mail facilities enjoyed by the new states be not thereby abridged.

Resolved, That the governor be requested to forward a copy of the foregoing to each of our senators and representatives in congress.

Approved March 16, 1849.

JOINT RESOLUTION relative to the pay of the late Herman C. Noble.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the speaker of the house of representatives be, and he is hereby authorized and required to draw his warrant for the per diem allowance of the late Herman C. Noble, during the present session of the legislature, in favor of Maria E. Noble.

RESOLUTIONS.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 16, 1849.

[No. 25.]

JOINT RESOLUTION of thanks to Mr. Vattemare.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the secretary of state be directed to present to M. Vattemare, and also, through him to the minister of finance of France, the thanks of the legislature of the state of Michigan, for the valuable present of books made by them to this state.

Resolved, That M. Vattemare be presented with copies of our state documents and laws, together with such other books and maps relating to the history and resources of the state as the secretary of state shall select from the state library, to be distributed by M. Vattemare in such manner as he may think best calculated to aid the object of international exchange.

Approved March 19, 1846.

[No. 26.]

JOINT RESOLUTION relative to the distribution of the Session Laws, Journals and Documents of the Legislature of the year eighteen hundred and forty-nine.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the officers and members of the present legislature be, and they are hereby entitled each to one copy of the session laws passed in the year eighteen hundred and forty-nine; also, the journals and documents of the legislature of said year; and the secretary of state be, and is hereby required to forward one copy of each to the several officers and members of this legislature, by forwarding the same to the county clerks of the several counties of this state, in which the officers or members reside, so soon as the same may be printed, bound and ready for delivery.

Resolved, That this resolution shall be in force from and after its passage.

Approved March 19, 1849.

[No. 27.]

JOINT RESOLUTION authorizing the Commissioner of the State Land Office to issue a certificate of purchase of certain School land to Thomas B. Abell.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the commissioner of the state land office be and he is hereby authorized to issue, at any time within one year from the passage of this resolution, a certificate of purchase to Thomas B. Abell for school section number sixteen in township eight south, range seventeen west, in the county of Berrien, for the minimum price of four dollars per acre: *Provided,* That the payments heretofore paid by the said Abell, or others, towards the purchase of said section, or interest thereon, shall not be considered or accounted any part of said four dollars per acre.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 21, 1849.

[No. 28.]

JOINT RESOLUTION in relation to a settlement with the Palmyra and Jacksonburg Railroad Company.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of state auditors are hereby authorized to settle and compromise the balance due the state from the Palmyra and Jacksonburg railroad company, upon such terms as shall in their opinion be most conducive to the interests of the state; and upon such settlement and compromise being made, the said board are hereby authorized to cancel and release all securities given by said company, or any person in its behalf, to the state for the re-payment of the principal and interest due upon the certificates of stock issued to said company.

Resolved further, That the said board of state auditors shall have like power to release any securities given by individuals upon the payment by any individual of such proportion of the said balance as may in their opinion be for the best interests of the state.

Approved March 21, 1849.

JOINT RESOLUTION relative to certain State Property.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the state treasurer and the secretary of state be required to obtain immediately the property of the state formerly in the keeping of the state geologist, and deposit the same for safe keeping in some suitable place in the capitol building.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 26, 1849.

JOINT RESOLUTION relative to a donation of lands by the General Government for the erection of State Asylums for the Insane, Blind, Deaf and Dumb.

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators in congress be directed and our representatives requested, to use their efforts in procuring the passage of a law granting to this state thirty thousand acres of land to be used in the erection and completion of a state asylum for the insane and also an asylum for the deaf, dumb and blind.

Resolved, That the Governor be requested to transmit to our senators and representatives in congress, a copy of the foregoing resolution.

This joint resolution shall be in force from and after its passage.

Approved March 28, 1849.

JOINT RESOLUTION authorizing the Auditor General to draw certain Warrants.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the auditor general be, and he is hereby authorized and required to draw two warrants upon the internal improvement fund, to correspond in every respect with warrants numbered four thousand two hundred and eighty-nine and six thousand five hundred and fifty-six heretofore issued by the auditor general.

and deliver the same to A. & E. S. Higgins, of the city of New York, whenever they shall have given to the state of Michigan a good and sufficient bond, indemnifying said state of Michigan against the payment of said warrants, numbered four thousand two hundred and eighty-nine and six thousand five hundred and fifty-six, heretofore issued by the auditor general: *Provided*, Said bond shall be approved by the auditor general and state treasurer: *Provided further*, That said warrants, or either of them, shall not have been paid.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 28, 1849.

[No. 32.]

PREAMBLE AND JOINT RESOLUTIONS relative to Moore and Hascall's Harvesting Machine.

Whereas, Messrs. Moore and Hascall did on the twenty-eighth day of June, A. D. eighteen hundred and thirty-six, obtain from the general patent office of the United States, letters patent for a certain machine called and known as "Moore and Hascall's harvesting machine," for the period of fourteen years, which term will expire on the twenty-eighth day of June, A. D. eighteen hundred and fifty; and

Whereas, The importance of the invention, when fully perfected, and the determination on the part of the said patentees to consummate it, have induced them to make many and great improvements, whereby the abilities of the machine have been much increased; and

Whereas, By virtue of the great improvements recently made by the said patentees, they are now enabled to harvest, thresh, clean and deposit in the sack, from the grain standing in the field, twenty to twenty-five acres of grain per day, which could not have been done by said machine as originally invented; and

Whereas, The great improvements so made, as aforesaid have been attended with great and heavy expenses, so much so, that the said patentees have in fact received but a small portion of the amount paid out or disbursed by them in obtaining the original

RESOLUTIONS.

invention and the necessary improvements thereto, whereby the utility of the machine has been greatly enhanced, as above mentioned; and

Whereas, The nature of the machine is such that all alterations or improvements can only be made with certainty, by actual experiment from time to time, during the short harvesting period of each year, and hence limiting the time in which the machine could be operated for grain, which in fact is one reason by which to account for the said patentees not having received but a small portion of the amount so paid out by them; and

Whereas, The said patentees have refrained, as is well known from vending or selling the patent right of their machine, on the ground that they did not intend to do so until it should be brought to perfection; therefore

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators in congress be instructed and our representatives be requested, to use their influence for and in behalf of the passage of an act by congress authorizing and empowering the said Moore and Hascall, their heirs and assigns, the exclusive right to use and vend and dispose of said Moore and Hascall's harvesting machine for the further period of fourteen years from and after the said twenty-eighth day of June, A. D. eighteen hundred and fifty.

Resolved, That the governor of this state be requested to forward a copy of these resolutions to each of our senators and representatives in congress at the commencement of the next session thereof.

Approved March 30, 1849.

[No. 33.]

JOINT RESOLUTION relative to the surrender of certain Internal Improvement Warrants.

Resolved, by the Senate and House of Representatives of the State of Michigan, That upon the surrender of any internal improvement warrants at the state treasury, for the purpose of being funded under act number one hundred and seventy-three, eighteen hundred and forty-eight, if said warrants shall have been drawn subsequent

to the first day of January, eighteen hundred and forty-nine, and not bearing interest prior to that date, the auditor general and state treasurer, shall compute the interest back to the said first day of January, and upon deducting said interest from the principal of said warrant or warrants, may fund the balance of said warrants, as is provided in regard to outstanding internal improvement warrants drawn and bearing interest prior to said first of January.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 30, 1849.

[No. 34.]

JOINT RESOLUTION relative to the construction of a Ship Canal around the Falls of Niagara and Sault Ste Marie's.

Whereas, The inability of the Erie canal, in the state of New York, and the harbor at Buffalo, in said state, to furnish the necessary means to do and perform, without great delay, the carrying trade between that point and tide-water; and

Whereas, Many of our citizens, importing merchandize and other tonnage and exporting our surplus productions, in order to avoid the great delays which occur on the Erie canal and in re-shipments at Buffalo, have been compelled to ship by way of lake Ontario and the Welland canal, in Canada, thereby paying tribute to a foreign power; and

Whereas, The construction of a ship canal, by the general government, around the falls of Niagara, uniting the waters of lake Erie and lake Ontario, and the commerce thereof, would greatly advance the agricultural and commercial interests of all the western states and provide additional means for the rapid transit of their vast and constantly increasing surplus production to eastern markets via. Ogdensburg, and other points; and

Whereas, The construction of such canal would, in a military point of view, in the event of hostilities between the United States and Great Britian, materially aid in the concentration of the lake armaments and give celerity to the movements of forces and munitions of war between the two lakes; and

Whereas, A. G. Williams, captain of U. S. topographical engin-

eers, in obedience to a resolution of the house of representatives of the United States, and under the direction of the Hon. Lewis Cass, then secretary of war, did make a report recommending the construction of such canal, accompanied by plain estimates and maps of the proposed route and expense of such construction as will be seen by reference to Exec. Doc., 1st Sess., 29th Cong., 1856, Doc. No. 214; and

Whereas, The construction of a ship canal around the falls of Sault St. Marys would greatly advance the agricultural and commercial interests of the western states, by opening a boundless field for the industry and enterprise of the citizens of seven states of this union who will have access to and may be immediately benefited thereby, and which would afford facilities for opening the inexhaustible resources of the mines and minerals upon lake Superior, yielding to the government an increased revenue thereby, and bringing into market for settlement the large quantity of farming lands in that section, as also the immense forests of pines which are becoming of great value, and would extend our ship and steamboat navigation, by adding an extent of over sixteen hundred miles of navigable coast to that of the lower lakes, which would afford a ready market for the valuable fisheries which are inexhaustible upon that lake, and not excelled by the Newfoundland fisheries, the most productive of which in said lake extend a distance of sixty miles; and which country is rapidly settling with a hardy, industrious and enterprising population; and

Whereas, The length of the work contemplated does not exceed three-fourths of a mile, and which could be completed at a cost not exceeding five hundred thousand dollars: and

Whereas, The construction of said ship canal is an important national work, therefore

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators in congress be instructed and our representatives requested to use all honorable means in obtaining appropriations of money by the general government to accomplish the object expressed in the foregoing preamble: and that the governor of this state be requested to forward copies of the foregoing preamble and this resolution to the governors of the several states and to our senators and representatives in congress.

Approved March 31, 1849.

[No. 35.]

JOINT RESOLUTION relative to the Claim of Doty & Abbott.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be, and they are hereby authorized and required to examine into and finally settle all claims or demands that may be laid before them by W. P. Doty and T. F. Abbott, of the city of Detroit, for clothing furnished the first regiment of Michigan volunteers, and if upon such examination they shall find any sums remaining unpaid, the said claimants for clothing furnished by them to said regiment under the direction of the governor of this state, they shall certify the amount so remaining unpaid to the auditor general, who shall thereupon issue his warrant therefor in their favor, upon the state treasurer, who shall pay the same out of any monies in the general fund not otherwise appropriated

Resolved, That this joint resolution shall take effect and be in force from and after its passage.

Approved March 31, 1849.

[No. 36.]

PREAMBLE AND JOINT RESOLUTIONS, relative to the selection and location of certain Internal Improvement Land, and for other purposes.

Whereas, The legislature of this state did appropriate 25,000 acres of internal improvement lands for the construction of a canal around the Grand Rapids of Grand river; and

Whereas, The supervisors of Kent county were authorized to cause said lands to be selected and the commissioner of the state land office was required to retain the same from sale; and

Whereas, Said supervisors did cause the same to be selected accordingly by James Davis, the present contractor for building said canal; and

Whereas, By act No. 22 of the session laws of 1848 the commissioner of the state land office was directed to reserve a portion of the lands selected as aforesaid and to issue certificates of sale therefor, upon the presentation of a written order signed by the

Rev. A. C. Van Ralte, the recognized director of the affairs of the Holland colony; and

Whereas, The said commissioner was, by the provisions of said act, authorized to receive only in payment therefor internal improvement warrants of this state or specie which was to be paid over to the contractor of said canal in accordance with the provisions of said act; and

Whereas, The said commissioner did receive in payment for said land a large amount of land warrants instead of internal improvement warrants or specie as contemplated by said act and which are much depreciated and far below par value, contrary to the provisions and true intent of said act; and

Whereas, A large amount has become due said contractor in consequence of having completed one half of said work, and he will sustain great loss and damage if compelled to receive said warrants at par, unless he be permitted to locate and select other lands and pay for the same with said warrants at their par value to the amount of said warrants received by him; and

Whereas, 7,495 51-100 acres of the internal improvement lands, a portion of which have been selected in the upper peninsula, which said selection the general government refuses to sanction or confirm: Now, therefore, as a remuneration to the said contractor and to preventing him from sustaining such damages so far as may be, be it

Resolved, That James Davis, the said contractor, for constructing said canal be and he is hereby authorized to select and locate 1600 acres of the said 7,495 51-100 acres of land in the lower peninsula, and forthwith notify the commissioner of the state land office of the same, whose duty it shall be to cause the same to be approved and confirmed by the general government, as soon as may be.

Resolved, further, That the said James Davis be and he is hereby authorized to select and purchase such portions of said lands after said location and the confirmation thereof by the general government at their minimum price to the amount of all such land warrants as have been or may be received by him from the commissioner of the state land office in payment for the construction of said canal: *Provided*, That the same shall not exceed 1600 acres of land: *Provided, further*, That no charges shall be made against the state for services rendered, or expenses incurred, in the selec-

tion of land aforesaid: *And provided further*, That all purchases of lands made by said Davis under and by virtue of this resolution, shall be a relinquishment of his claim against the said commissioner to the amount of such purchase, and no further.

Resolved, That these resolutions shall take effect and be in force from and after their passage.

Approved April 2, 1849.

[No. 37.]

JOINT RESOLUTION relative to publishing certain acts passed by the Legislature of 1849.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the state printer be and he is hereby required to publish forthwith, in the state paper, the following acts, to wit:

"An act to consolidate the laws in relation to county courts and for other purposes;" also "an act to authorize proceedings against garnishees and for other purposes."

Also, "an act to amend chapter 94 of the revised statutes of 1846, in relation to criminal proceedings;" also, "an act to amend chapter 93, of the revised statutes of 1846, in relation to appeals;"

And also, "an act investing the circuit courts with jurisdiction in actions of ejectment."

This resolution shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 38.]

JOINT RESOLUTIONS relative to Slavery and the Slave trade in the District of Columbia.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the existence of slavery and the slave trade at the seat of our national government, "is an evil of serious magnitude, which greatly impairs the prosperity and happiness of the district, and casts the reproach of inconsistency upon the free institutions established among us."

Resolved, That our senators in congress be instructed, and our representatives requested to urge the passage of a law that shall put an end to the slave trade in the district of Columbia without delay; and also provide for ascertaining the views of the people of said district, upon the question of the entire abolition of slavery therein.

Resolved, That the governor be requested to forward copies of the foregoing resolutions to each of our senators and representatives in congress.

Approved April 2, 1849.

[No. 39]

JOINT RESOLUTION relative to the discharge of a certain Mortgage.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be, and they are hereby authorized and required to examine the claim of Edwin A. Wales of the city of Detroit, relative to the discharge of a certain mortgage and promissory note accompanying the same, given by Austin Wales and wife and Ebenezer Wales, on the 10th day of September 1838, to the president, directors and company of the Michigan state bank, and which said mortgage and note was afterwards assigned and transferred by said bank to the state of Michigan; and if upon said examination, the said board of auditors shall find that the said mortgage and said promissory note have been paid, or the same cannot be enforced legally or equitably, then that said board of auditors be and they are hereby authorized and required to cancel and discharge the same from record.

Resolved, That this resolution shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 40.]

JOINT RESOLUTION relative to a certain appropriation of Internal Improvement Lands.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the special commissioner appointed under

and by virtue of act number two hundred and eighty-five, being "an act to provide for the construction and improvement of the northern wagon road, from Port Huron, in the county of St. Clair, through the counties of Lapeer and Genesee to Corunna, in the county of Shiawassee," approved April 3, 1849, be, and he is hereby intrusted and required to expend between the villages of Flint and Corunna, on said road, at least three thousand and five hundred acres of the appropriation made by said act: one thousand acres of land appropriated by said act 235, in improving the road between the village of Lapeer and the Oakland county line: *Provided*, That at least one thousand dollars shall be contributed by voluntary subscriptions and expended under the direction of said commissioner in the improvement of said road, before any orders may be drawn by said commissioner on the auditor general for warrants on account of the aforesaid one thousand acres.

This joint resolution shall take effect and be in force from and after its passage.

Approved April 2, 1849.

[No. 41.]

JOINT RESOLUTION making certain appropriations and for other purposes.

Resolved, by the Senate and House of Representatives of the State of Michigan. That there be allowed to William L. Bincroft, secretary of the senate, the sum of six cents per folio, for making a fair copy of the journals of the senate, of the present session of the legislature, to be paid on the certificate of the secretary of state, (who shall certify the number of folio,) that the work has been correctly done and deposited in his office. That there be allowed to A. W. Hovey, clerk of the house of representatives, the sum of six cents per folio for making a fair copy of the journals of the house of representatives for eighteen hundred and forty-eight and eighteen hundred forty-nine, to be paid on the certificate of the secretary of state, (who shall certify the number of folios,) that the work has been correctly done and the copies deposited in his office: *Provided*, The expense of making the aforesaid copy of the journals of the house of representatives for the years eighteen hundred and

forty-eight and eighteen hundred and forty-nine, shall not exceed two hundred and fifty dollars.

Resolved, That the board of state auditors are authorized and required to make enquiry into and to investigate the appropriations made by the legislature since eighteen hundred and forty-one, for newspapers furnished the legislature, with a view to ascertain what part of the sums thus appropriated, if any, have been withheld by any person or persons and not applied to the object for which the appropriations were made.

Approved April 2, 1849.

APPENDIX.

TREASURER'S ANNUAL REPORT.

STATE TREASURER'S OFFICE. }
Lansing, December 1, 1848. }

To the Legislature of the State of Michigan:

Statements are herewith submitted, exhibiting the payments, to and from, the different funds for the fiscal year ending Nov. 30th, 1848.

The balance on hand Nov. 30th, \$52,736 98

The immediate liabilities, and the amount to be advanced for payment of interest Jan. 1st, 1849, as shown by the books of the auditor general and this office, are as follows, viz:

Special deposit by Michigan central rail road company for "right of way,"

\$3,162 83

General fund warrants outstanding,

1,055 43

Interest estimated on same,

250 00

Treasury notes, (state scrip,)

1,187 00

Interest estimated on same,

400 00

Surplus and redemption moneys due sundry individuals,

13,875 67

Deposit in Phoenix bank, N. Y.,

1,009 13

Delinquent tax bonds,

170 00

Interest estimated on same,

34 00

Advance necessary to pay interest on state stock, Jan. 1, 1849,

9,112 08

Interest due on penitentiary stock Jan. 1st, 1849,

1,800 00 32,056 14

Balance available,

\$20,680 84

Notice was given through the state paper to the holders of general fund warrants, on the 24th of Oct. last, that they would be paid on presentation at the state treasury, and that interest would cease to be paid after sixty days from the first publication of the notice in accordance with act No. 22, "approved March 1st 1845." All warrants, and other demands on this fund have been paid during the past year when presented at the treasury. Under the discretion authorized by act No. 24, 1846, to advance the interest as it became due on the "liquidated portion of the five million loan," from this fund, "if in my opinion such payments could be made without impairing the ability of the fund to meet its other indebtedness," I have advanced the interest for Jan. 1st, and July 1st, 1848, and shall send forward to the Phoenix bank New York, \$9,112 04, to meet the interest due Jan. 1st, 1849. The \$1,000 is deposited in that bank is on account of balance of interest, not called for, due on these bonds for 1846, 1847 and 1848. There was paid into the treasury \$15,000 in money, on account of the assignment of the Detroit and Pontiac railroad mortgage; without this aid it would have been impossible to have made these advances without impairing the ability of the general fund to meet promptly its other liabilities.

There has been cancelled and burnt \$539 of treasury notes (state scrip) during the past fiscal year, leaving yet a balance of \$1,187 outstanding.

GEO. B. COOPER,
State Treasurer.

Treasurer of Michigan in account with State of Michigan.

Dr.				Cr.
To bal. in treasury			By am't p'd on acc't	
Nov. 30, 1847,	\$64,470	33	of conting't fund,	\$569 70
Receipts on acc't of			do general fund.	185,367 69
general fund,	145 359	48	do int'l impt. do	150,773 66
do int'l impt fund,	135 120	12	do primary school	
do prim'y sch'l do	27,450	73	do int fund,	32 605 20
do do int. do	46,516	17	do univer. int. fund,	25 119 83
do state building do	1,425	43	do state building do	8,038 22
do univer-city do	11 586	72	do treasury notes	
do do int do	20,628	52	turned,	539 60
do from M C R R.			Am't p'd on acc't of	
Co., under Sec.			M C R R deposit,	1 413 00
7. Act No. 42, of			Balance in treasury,	52,736 98
1846,	4 575	83		
	<u>\$457,163</u>	<u>33</u>		<u>\$457,163 33</u>

LEDGER BALANCES, Nov. 30, 1848.

State building fund,	\$1,943 81	M C R R Co. deposits,	\$3,162 83
University int. do	6.4 1 6	Treasury notes,	1 187 00
Inter. impt. do	255,950 07	University fund,	90 958 71
Cash,	52,736 98	Primary sch'l do	157 331 34
		do int. do	9,067 42
		Contingent do	624 01
		General do	54,711 17
	<u>\$317 042 48</u>		<u>\$317,012 48</u>

STATE BUILDING FUND.

Dr.			Cr.
To warrants paid		By bal. Nov. 30, '47,	\$4 668 98
during fiscal year,	\$8,038 22	do rec'd dur'g fis. y'r,	1,425 43
		Bal. Nov. 30, 1848,	1 943 81
	<u>\$8 038 22</u>		<u>\$8,038 22</u>

PRIMARY SCHOOL INTEREST FUND.

Dr.			Cr.
Totl. Nov. 30, '47,	\$4,873 55	By receipts during	
do warrants paid du-		fiscal year,	\$26,074 39
ring fiscal year,	82,605 20	do am't transferred	
Bal. Nov. 30, 1848,	9,067 42	from gen. fund,	20,471 70
	<u>\$46,546 17</u>		<u>\$46,546 17</u>

UNIVERSITY INTEREST FUND.

Dr.			Cr.
To balance Nov.		By receipts du-	
30, 1847,	\$1,920 26	ring fiscal year,	\$10,698 87
do warrants p'd du-		do am't transferred	
ring fiscal year,	25,119 88	from gen'l fund,	7,933 77
		do inter. impt. do	2,165 88
		Bal. Nov. 30, 1848,	6,411 62
	<u>\$27,040 14</u>		<u>\$27,040 14</u>

TREASURY NOTES.

Dr.			Cr.
To am't burned du-		By balance Nov.	
ring fiscal year,	\$539 00	30, 1847,	\$1,726 00
do balance,	1,187 00		
	<u>\$1,726 00</u>		<u>\$1,726 00</u>

CONTINGENT FUND.

Dr.			Cr.
To warrant sp'd du-		By balance Nov.	
ring fiscal year,	\$569 70	30, 1847,	\$1,193 71
Bal. Nov. 30, 1848,	624 01		
	<u>\$1,193 71</u>		<u>\$1,193 71</u>

GENERAL FUND.

Dr.			Cr.
To warrants p'd during fiscal year,	\$157,062 14	By balance Nov. 30, 1847,	\$94,719 38
do am't transferred to univer. int. fund,	7,833 77	do receipts during fiscal year,	145,359 48
do tr. to p. sch'l int. do	20,471 78		
Bal. Nov. 30, 1848,	54,711 17		
	<u>\$240,078 86</u>		<u>\$240,078 86</u>

INTERNAL IMPROVEMENT FUND.

Dr.			Cr.
To bal. Nov. 30, '47,	\$240,296 53	By receipts during fiscal year,	\$135,120 12
do am't tr. to univer. int. fund,	2,105 88	do balance Nov. 30, 1848,	255,950 07
do warrants p'd during fiscal year,	148,667 78		
	<u>\$391,070 19</u>		<u>\$391,070 19</u>

UNIVERSITY FUND.

Dr.			Cr.
To balance Nov. 30, 1848,	\$90,958 71	By bal. Nov. 30, '47,	\$79,371 99
	<u>\$90,958 71</u>	do rec'ts du. fis. y'r,	11,586 72
			<u>\$90,958 71</u>

PRIMARY SCHOOL FUND.

Dr.			Cr.
To balance Nov. 30, 1848,	\$157,331 34	By bal. Nov. 30, '47,	\$129,880 61
	<u>\$157,331 34</u>	do rec'ts du. fis. y'r,	27,450 73
			<u>\$157,331 34</u>

MICHIGAN CENTRAL RAILROAD DEPOSITES.

Dr.			Cr.
To warrants p'd during fiscal year,	\$1,413 00	By amount of receipts during fiscal year,	\$4,575 83
Bal. Nov. 30, 1848,	3,162 83		
	<u>\$4,575 83</u>		<u>\$4,575 83</u>

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Brid

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Berr

Ban

Bloo

Brid

Byre

Boas

Boas

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